Supreme Court, U. S.
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MICHAEL RODAK, JR., CLERK

APPENDIX

IN THE
Supreme Court of the United States
OCTOBER TERM, 1975

No. 75-212

UNITED STATES OF AMERICA,
Petitioner

—v.—

THOMAS W. DONOVAN, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI FILED AUGUST 8, 1975
CERTIORARI GRANTED FEBRUARY 23, 1976

IN THE

Supreme Court of the United States

OCTOBER TERM, 1975

No. 75-212

UNITED STATES OF AMERICA,

Petitioner

—v.—

THOMAS W. DONOVAN, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

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CRIMINAL DOCKET

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CR 73-600

JUDGE KRUPANSKY

DOCKET ENTRIES

DATE	PROCEEDINGS
11/1/73	Indictment filed.
11/1/73	Seventeen praecipes for warrants of arrest re: all defts filed. It is so ordered. Thomas, J. Warrants issued, Bonds set on all Warrants for $1,000.00. surety.
11/5/73	Eight appearance bonds for $1,000.00. surety re: Michael Malvasi, Harvey Trifler, Joseph Anthony Spaganlo, James Blank, Albert Kotoch, George Frank Sidoris, & Ernest Chickeno (Peerless Ins. Co.) filed.
11/5/73	Two appearance bonds for $1,000.00. surety, re: Sanford Glassman & Louis Glassman filed. (Allegheny Mutual Casualty Co.)
11/6/73	Affidavit of Paul R. Corradini filed.
11/6/73	Order to unseal and place indictment on the Docket filed. Krupansky, J. copies U.S. Atty., U.S. Marshal & Dept. of Justice, Organized Crime & Racketeering Section.
11/8/73	Appearance bond re: Vanis Ray Robbins filed. $1,000.00. surety (Summit Insurance Co. of N.Y.)
*11/7/73	Appearance bond re: Thomas Wm. Donovan filed. $1,000.00. surety (Midland Mutual Ins. Co.)

DATE	PROCEEDINGS

11/21/73 Ten Warrants of Arrest retn & filed. Re: Albert Kotoch, Michael Malvasi, Ernest Chickeno, Jack Lorenzetti, James Blank, Louis Glassman George Frank Sidoris, Sanford Glassman, & Joseph Anthony Spaganlo executed 11/5/73. & Harvey Trifler, executed 11/5/73

11/12/73 Order re: pre-trial schedule filed. Krupansky, J.—Defts granted until 12/1/73 to file any & all motions; Govt granted until 12/14/73 to respond trial set for 1/14/74; no extensions of time or continuances will be granted.—copies to counsel (Noted 11/13/73)

11/16/73 Minutes of proceedings filed. RE: ALBERT KOTOCH, Streepy, Mag., Czompoly, r. (deft. arraigned, plea of not guilty entered. Bond continued Pre-tria order of 11/12/73 given to atty. Isaac)

11/16/73 Minutes of proceedings filed. RE: JOSEPH ANTHONY SPAGANLO, Streepy, Mag., Czompoly, r. (deft. arraigned, plea of not guilty entered. Bond continued. P.T. order of 11/12/73 to Rotatori)

11/16/73 Minutes of proceedings filed. RE: HARVEY TRIFLER, Streepy, Mag., Czompoly r. (deft. arraigned, plea of not guilty entered. Bond continued. PT order of 11/12/73 to Giuliani)

11/16/73 Minutes of proceedings filed. RE: ERNEST CHICKENO, Streepy, Mag., Czompoly r. (deft. arraigned, plea of not guilty entered. Bond continued.)

11/16/73 Minutes of proceedings filed. RE: JOSEPH SLYMAN, Streepy, Mag., Czompoly, r. (deft. arraigned, plea of not guilty entered. Bond continued. Copy of PT Order of 11/12/73 to Atty. Sperli)

11/16/73 Minutes of proceedings filed. RE: JAMES NEIL GIRARD, Streepy, Mag., Czompoly, r. (deft. arraigned, plea of not guilty entered. Bond continued.)

11/16/73 Minutes of proceedings filed. RE: GEORGE FRANK SIDORIS, Streepy, Mag., Czompoly, r. (deft. arraigned, plea of not guilty entered. Bond continued

DATE	PROCEEDINGS

11/16/73 Minutes of proceedings filed. RE: LOUIS GLASSMAN, Streepy, Mag., Czompoly r. (deft. arraigned, plea of not guilty entered. Bond continued. Copy of P. T. Order of 11/12/73 previously mailed to atty. Dubyak)

11/16/73 Minutes of proceedings filed. RE: SANFORD GLASSMAN, Streepy, Mag., Czompoly, r. (deft. arraigned, plea of not guilty entered. Bond continued

11/16/73 Minutes of proceedings filed. RE: DOMINIC RALPH BUZZACCO, Streepy, Mag., Czompoly, r. (deft. arraigned, plea of not guilty entered. Bond continued PT order of 11/12 given to atty. Policy.)

11/16/73 Minutes of proceedings filed. RE: JACK LORENZETTI, Streepy, Mag., Czompoly, r. (deft. arraigned, plea of not guilty entered. Bond continued

11/16/73 Minutes of proceedings filed. RE: VANIS RAY ROBBINS, Streepy, Mag., Czompoly, r. (deft. arraigned. plea of not guilty entered. Bond continued

11/16/73 Minutes of proceedings filed. RE: JAMES BLANK, Streepy, Mag., Czompoly, r (deft. arraigned, plea of not guilty entered. Bond contined.)

11/23/73 Motion of U.S.A. to unseal documents concerning the interception of wire communications filed.

11/26/73 Order that all orders, applications, affidavits, progress reports, motion and inventories referred to in par. 1 through 8 be unsealed in order that they may be inspected and copies by the defts and their counsel, etc. fil (11/26/73) Krupansky, J. Copies mailed 11/26/73.

11/26/73 Minutes of proceedings filed. Steepy, Mag., Parise, r. RE: MICHAEL MALVASI (Deft. arraigned, plea of not guilty entered. Bond continued)

11/26/73 Minutes of proceedings filed. Streepy, Mag., Parise, r. RE: THOMAS DONOVAN (deft. arraigned, plea of not guilty entered. Bond continued)

DATE	PROCEEDINGS

11/26/73 Minutes of proceedings filed. Streepy, Mag., Parise, r. RE: Jacob Laner (deft. arraigned, plea of not guilty entered. Bond continued)

11/26/73 Minutes of proceedings filed. Streepy, Mag., Parise, R. RE: JOSEPH MERLO (deft. arraigned, plea of not guilty entered. Bond continued)

11/29/73 Motion of pltf. to supress Search Warrant filed. Copy mailed 11/29/73.

11/29/73 Motion of deft., Albert Kotoch, for bill of particulars filed. Copy mailed 11/29/73.

11/30/73 Motion of deft., MERLO for bill of particulars filed. Copy mailed 11/30/73.

11/30/73 Motion of deft. LAUER for bill of particulars filed. Copy mailed 11/30/73.

11/30/73 Motion to continue by deft. MERLO filed. Copy mailed 11/30/73.

11/30/73 Motion to continue by deft. LAUER filed. Copy mailed 11/30/73.

11/30/73 Motion of deft. MERLO for discovery filed. Copy mailed 11/30/73.

11/30/73 Motion of deft. LAUER for discovery filed. Copy mailed 11/30/73.

11/30/73 Motion of defts., SLYMAN and GIRARD for severance separate trial with memorandum in support filed. Copy mailed 12/1/73.

11/30/73 Motion of defts., SLYMAN and GIRARD to supress evidence with memorandum in support filed. Copy mailed 11/30/73.

11/30/73 Motion of deft. Girard for the return of seized property Rule 41 (e) with affidavit in support filed. Copy mailed 11/30/73.

DATE	PROCEEDINGS

11/30/73 Motion of defts., Slyman and Girard for discovery filed. Copy mailed 11/30/73.

11/30/73 Motion of defts., Trifler, Chickeno, Slyman, Girard, Sidoris and Donovan to dismiss conspiracy count filed. Copy mailed 11/30/73.

11/30/73 Motion of defts., Spaganlo, Lorenzetti and Malvasi for extension of time within which to file motions to suppress with memorandum in support filed. Copy 11/30/73.

11/30/73 Motion of defts., Spaganlo, Lorenzetti and Malvasi for a bill of particulars with memorandum in support filed. Copy mailed 11/30/73.

12/3/73 Motion of the deft., DOMINIC RALPH BUZZACCO, for discovery pursuant to Rule 16 of the Fed. Rules of Criminal Procedure filed. Copy mailed 12/1/73.

12/3/73 Motion of Deft., DOMINIC RALPH BUZZACCO for bill of Particulars filed. Copy mailed 12/1/73.

12/3/73 Memorandum of deft., Dominic Ralph BUZZACCO in support of Motion for bill of particulars filed. Copy mailed 12/1/73.

12/3/73 Motion of defts., Louis Glassman and Sanford Glassman to inspect and copy all documents, etc. filed. Copy mailed 11/30/73.

12/3/73 Motion of defts. Louis & Sanford Glassman to dismiss indictment filed. Copy mailed 11/30/73.

12/3/73 Motion of defts. Louis & Sanford Glassman for severance, separate trial (oral hearing requested) filed. Copy mailed 11/30/73.

12/3/73 Motion of deft., Louis & Sanford Glassman for discovery and inspection filed. Copy mailed 11/30/73.

12/3/73 Motion of defts., Louis & Sanford Glassman to suppress filed. Copy mailed 11/30/73.

DATE	PROCEEDINGS

12/3/73 Motion of defts., Trifler, Chickeno, Sidoris and Donovan for discovery under Fed. Crim. Rule 16 and General Discovery with brief in support filed. Copy mailed 12/3/73.

12/3/73 Certified copies of pleading re: James Neil Girard and Joseph G. Slyman received form the District of Nevada filed. (2819)

12/4/73 Order that all defts. in this matter are granted until 12/12/73 within which to file additional motions; The Government is granted ten days thereafter to respond to said motions; In accordance with this Court's prior Order entered 11/12/73, trial is set for 1/14/74 filed. Krupansky, J., Copies mailed 12/4/73. (12/4/73)

12/7/73 Motion of the deft., Albert Kotoch, to dismiss count 1 and memorandum with memorandum in support filed. Copy mailed 12/7/73.

12/7/73 Memorandum of deft. Albert Kotoch in support of Motion for bill of particulars filed. Copy mailed 12/7/73.

12/11/73 Brief of Defts. Sanford and Louis Glassman in support of motion for severance and separate trial filed. Copy mailed 12/10/73.

12/11/73 Motion of defts' Trifler, Chickeno, Sidoris, Slyman, Girard, Donovan and Kotoch to controvert search warrant and return evidence seized and suppress wiretaps filed. Copy mailed 12/7/73.

12/12/73 Motion of deft., DOMINIC RALPH BUZZACCO, to suppress filed. Copy mailed 12/10/73.

12/12/73 Memorandum of deft., DOMINIC RALPH BUZZACCO, in Support of motion to suppress filed. Copy mailed 12/10/73.

12/12/73 Supplemental motion of defts., SPAGANLO, LORENZETTI AND MALVASI for extension of time within which to file motions to suppress filed. Copy mailed 12/12/73.

DATE	PROCEEDINGS

12/12/73 Motion of deft. JOSEPH FRANCIS MERLO to suppress filed, copy mailed 12/11/73.

12/12/73 Motion of deft. JACOB JOSEPH LAUER to suppress filed. Copy mailed 12/11/73.

12/12/73 Supplemental Motion of deft. VANIS RAY ROBBINS to suppress and request for oral hearing and arguement with memorandum in support filed. Copy mailed 12/ /73.

12/14/73 Order that all defts. are granted an extension to 12/30/73, within which to file additional motions to suppress; The Government's response date is extended to 1/8/74; In accordance with this Court's prior orders, tiral of this cause is scheduled to commence on 1/14/74 filed. Krupansky, J. (12/14/73)

12/18/73 Order directing counsel to confer & submit to the Court a single list of proposed questions to be directed to the jury panel during the voir dire examination no later than 1/10/74 filed. Krupansky, J. Copies to counsel. (12/18/73)

12/19/73 Request of deft. Albert Kotoch for permission to leave jurisdiction filed. Copy delivered 12/19/73.

12/20/73 Order granting deft. ALBERT KOTOCH request to leave the jurisdiction of this Court from 12/21/73 to 1/3/74 filed. Krupansky, J. (12/20/73)

12/26/73 Response of government to defts' motion for a bill of particulars filed. Copy mailed 12/26/73.

12/26/73 Response of Government to defts' Louis and Sanford Glassman Motion to Dismiss the Indictment filed. Copy mailed 12/26/73.

12/26/73 Motion of the Government requesting the Court to comment on the Risks of Joint Representation filed. Copy mailed 12/26/73.

DATE	PROCEEDINGS

12/26/73 Response of Government to deft's motions for discovery and inspection filed. Copy mailed 12/26/73.

12/26/73 Response of Government to defts' motion to dismiss count 1 of the Indictment filed. Copy mailed 12/26/73.

12/26/73 Response of Government to defts. Joseph Slyman and James Neil Girard's motion for severance—separate trial filed. Copy mailed 12/26/73.

12/26/73 Response of Government to defts Louis Glassman and Sanford Glassman's motion for severance—separate trial filed. Copy mailed 12/26/73.

12/26/73 Order that counsel for the U.S. submit to the Court a list of proposed questions to be directed to the jury panel during the voir dire examination. The list shall be presented to the Court not later than 1/10/74 filed. Krupansky, J. Copies mailed. (12/26/73)

12//28/73 Supplemental motion of defts. Harvey Trifler, Ernest Chickeno, George Frank Sidoris, Joseph Slyman, James Neil Girard, Thomas W. Donovan and Albert Kotoch to suppress and controvert search warrant with brief in support filed. Copy mailed 12/28/73.

12/28/73 Motion of defts. Joseph Anthony Spaganlo, Jack Lorenzetti and Michael Malvasi to suppress filed. Copy mailed 12/28/73.

1/3/74 Subpoena to testify retn. U filed. Served Robert F. Maruster on 1/2/74.

1/8/74 Response of Government to deft. Dominic Ralph Buzzacco's Motion to suppress filed. Copy mailed 1/8/74.

1/8/74 Response of Government to defts' Supplemental motion to suppress and controvert Search warrant filed. Copy mailed 1/8/74.

1/8/74 Response of Government to defts' motion to suppress filed. Copy mailed 1/8/74. (Spaganlo, Lorenzetti and Malvasi)

DATE	PROCEEDINGS

1/8/74 Response of the Government to defts' motion to controvert search warrant and return evidence seized and suppress wiretaps filed. Copy mailed 1/8/74. (James Blank)

1/8/74 Response of the Government to deft's/motion to suppress search warrant filed. Copy mailed 1/8/74.

1/8/74 Response of the Government to deft., Vara's motions to suppress filed. Copy mailed 1/8/74.

1/8/74 Response of the Government to deft, Vara's motions (filed 11/30/73) to suppress filed. Copy mailed 1/8/74.

1/8/74 Response of Government to defts' (Glassman and Glassman) motion to suppress filed. Copy mailed 1/8/74.

1/10/74 Questions requested by the Government to be asked of the jury panel in the above-entitled case filed. Copies mailed 1/10/74

1/11/74 Memorandum & order granting in part and denying in part various motions of the deft. for discovery filed. Krupansky, J. (1/11/74)

1/14/74 Minutes of proceedings filed. (Hearing on mos. to suppress begun but not concluded) Krupansky, J., Parise, r.

1/14/74 Memorandum and order denying motion of defts Kotoch, Trifler, Chickeno, Slyman, Girard, Sidoris and Donovan to dismiss the Indictment filed. Krupansky, J. (1/14/74)

1/14/74 Memorandum and order denying defts. Slyman & Girard's motion for severance; further, denying defts. Louis & Sanford Glassman's motion for severance filed. Krupansky, J. (1/14/74)

1/14/74 Memorandum & order granting in part and denying in part various motions of the defts. for Bill of Particulars filed. Krupansky, J. (1/14/74)

1/14/74 Motion of U.S.A. for order allowing breaking of seals on recordings, etc. filed.

DATE	PROCEEDINGS

1/14/74 Order that recordings be returned to F.B.I. until trial, further that U.S.A. may break seals, etc. filed. Krupansky, J. (1/14/74)

1/15/74 Memorandum of deft. Spaganlo Re: violation of sealing requirements filed.

1/15/74 Memorandum of deft. Spaganlo re: Use of toll call records, etc. filed.

1/15/74 Minutes of proceedings filed. (Hearing on mo's of defts. to suppress resumed and concluded; taken under advisement) Krupansky, J., Parise, r.

1/15/74 Government's Memorandum in compliance with Court's order of 1/11/74 filed. Copies mailed 1/15/74.

1/16/74 Supplementary memorandum of the Government in response to defts' motions to suppress filed. Copy served 1/16/74.

1/16/74 Subpoena to testify retn. & filed. Served Jeanette Miscurec on 1/12/74. FEES: $2.00

1/16/74 Subpoena to testify retn. & filed. Served Lou Rosen on 1/12/74. FEES: $6.00

1/16/74 Subpoena to Produce Document or Object retn. & filed. Served Ronald Taylor on 1/12/74. FEES: $12.44

1/17/74 Subpoena to produce document retn. & filed. Served Ruth Biggs on 1/14/74. FEES: $0—

1/17/74 Subpoena to testify retn. & filed. Served Edward E. Sims on 1/14/74 FEES: 0

1/18/74 Minutes of proceedings filed. Krupansky, J., Parise, r. (*ALBERT KOTOCH*—Plea of not guilty withdrawn, plea of guilty entered to Ct. 2, Upon motion of U.S. Atty. Count 1 of Indictment dismissed as to Kotoch. Sentence: Fine $7,500.00 I.S.S., Prob ordered for 3 yrs.)

DATE	PROCEEDINGS

*1/18/74 Minutes of proceedings filed. Krupansky, J., Parise, r. (Trial to the Jury begun; adjourned until 1/22/74 RE: Spaganld, Trifler, Chickeno, Slyman, Girard, Sidoris, L. Glassman, S. Glassman, Lorenzetti, Malvasi & Blank only)

1/18/74 Order that defts. Dominic Ralph Buzzacco, Vanis Ray Robbins, Thomas W. Donovan, Jacob Joseph Lauer, and Joseph Francis Merlo are severed from the remaining defendants for purposes of trial filed. Krupansky, J.

1/17/74 Memorandum and Order denying motions of all defts. to (1/21/74) suppress in exception of defts. Spaganlo, Lauer, Robbins, Donovan & Buzzacco filed. Krupansky, J. (1/17/74)

1/21/74 Memorandum in support of a motion to suppress and severance of defts. Sanford Glassman and Louis Glassman filed. Copy mailed 1/21/74.

1/21/74 Subpoena to Produce Document or Object retn. & filed. Served Mr. W. Messenger on 1/14/74. FEES: $2.00

1/21/74 Subpoena to Produce Document of Object retn. & filed. Served Mr. John P. Koch on 1/15/74. FEES: $2.00

1/21/74 Subpoena to Testify retn. & filed. Served Richard Wellman on 1/15/74. FEES: $4.40

1/22/74 Subpoena to testify retn. & filed. Served Albert Kotoch on 1/21/74. FEES: $0.

1/22/74 Minutes of proceedings filed. Krupansky, J., Parise, r. (Trial to the jury resumed; adjourned to 1/23/74)

1/22/74 Judgment and Order of Probation filed. (RE: ALBERT KOTOCH) Krupansky, J. (1/23/74)

1/23/74 Subpoena to testify retn. & filed. Served Joe Mario Fezzuoglio on 1/22/74. FEES: $0

1/23/74 Minutes of proceedings filed. Krupansky, J., Parise, r. (Trial to the Jury resumed; adjourned to 1/24/74)

DATE	PROCEEDINGS
1/24/74	Minutes of proccedings filed. Krupansky, J., Parise, r. (Trial to the Jury resumed; adjourned to 1/25/74)
1/24/74	Subpoena to testify retn. & filed. Served Daniel T. Shay on 1/17/74. FEES: $11.24.
1/24/74	Subpoena to testify retn. & filed. Served David Perelman on 1/18/74. FEES: $6.60.
1/24/74	Subpoena to testify retn. & filed. Served Robert E. Stell on 1/18/74. FEES: $6.40.
1/24/74	Subpoena to testify retn. & filed. Served Robert Sheridan on 1/19/74. FEES: $4.60.
1/24/74	Subpoena to testify retn. & filed. Served Hayden James Davis on 1/21/74. FEES: $3.68.
1/25/74	Minutes of proceedings filed. Krupansky, J., Parise, r. (Trial to the Jury resumed; adjourned to 1/28/74)
1/26/74	Minutes of proceedings filed. Krupansky, J., Thompson, r. (Voire dire hearing w/o jury re: identification of tape recordings begun but not concluded; adj. to 1/27/74)
1/27/74	Minutes of proceedings filed. Krupansky, J., Thompson, r. (Voire dire hearing resumed but not concluded)
1/28/74	Minutes of proceedings filed. Krupansky, J., Thompson, r. (Trial to the Jury resumed; jury excused. Voire dire hearing resumed not concluded, adj. to 1/29/74)
1/29/74	Minutes of proceedings filed. Krupansky, J., Thompson, r. (Hearing on voire dire of witnesses re: tape recordings resumed but not concluded; adj. to 1/30/74)
1/30/74	Proposed Jury Instructions of the Government filed. Copies mailed 1/30/74.
1/30/74	Minutes of proceedings filed. Krupansky, J., Thompson, r. (Trial to jury resumed. Voire dire hearing resumed. Adjourned to 1/31/74)

DATE	PROCEEDINGS
1/31/74	Minutes of proceedings filed. Krupansky, J., Thompson, r. (Trial to jury resumed. Adjourned to 2/1/74)
2/1/74	Minutes of proceedings filed. Krupansky, J., Thompson, r. (Trial to Jury resumed. Adjourned to 2/4/74)
2/4/74	Subpoena to Testify retn. & filed. Served Robert Sheridan on 2/1/74.
2/5/74	Order of Contempt Re: Jerry Milano filed. Krupansky, J. (2/6/74)
2/4/74	Minutes of proceedings filed. Krupansky, J., Thompson, r. (Trial to jury resumed. Adjourned to 2/5/74)
2/5/74	Minutes of proceedings filed. Krupansky, J., Thompson, r. (trial to Jury resumed. Adjourned to 2/6/74)
2/6/74	Minutes of proceedings filed. Krupansky, J., Thompson, r. (trial to Jury resumed. Adjourned to 2/7/74)
2/7/74	Subpoena to testify retn. & filed. Returned unexecuted as to Mark Bushieb. FEES: $3.60
2/7/74	Minutes of proceedings filed. Krupansky, J., Thompson, r. (trial to jury resumed. Adjourned to 2/8/74)
2/8/74	Minutes of proceedings filed. Krupansky, J., Thompson, r. (trial to jury resumed. Adjourned to 2/11/74)
2/11/74	Minutes of proceedings filed. Krupansky, J., Thompson, r. (trial to jury resumed. Adjourned to 2/12/74)
2/12/74	Minutes of proceedings filed. Krupansky, J., Thompson, r. (trial to Jury resumed. Adjourned to 2/13/74)
2/8/74	Subpoena to Testify retn. & filed. Returned unexecuted as to Clifton Watson on 1/15/74.
2/12/74	Subpoena to Testify retn. & filed. Served on Alice Roberts on 2/8/74.
2/12/74	Subpoena to Testify retn. & filed. Served Virginia Frantz on 2/8/74.

DATE	PROCEEDINGS

2/12/74 Subpoena to Testify retn. & filed. Served Josephine Leufkens on 2/8/74.

2/12/74 Subpoena to Testify retn. & filed. Served J. W. Caine on 2/8/74.

2/12/74 Subpoena to Testify retn. & filed. Served Norma Ols on 2/8/74.

2/13/74 Minutes of proceedings filed. Krupansky, J., Thompson, r. (trial to Jury resumed. Adjourned to 2/14/74)

2/14/74 Minutes of proceedings filed. Krupansky, J., Thompson, r. (trial to Jury resumed. Adjourned to 2/15/74)

2/14/74 Notice of APPEAL by the Government re: Order of January 17, 1974 filed.

2/19/74 Minutes of proceedings filed. M. Conties, J., Thompson, r. (trial to Jury resumed. Adjourned to 2/20/74)

2/20/74 Certificate and declaration pursuant to Fed. R. Crim. P. 25(a) filed. Contie, J. (2/20/74)

2/20/74 Order that for reasons of health the Hon. Robert B. Krupansky cannot conclude the trial in the above captioned cause of action and that the Hon. Leroy J. Contie, Jr. has certified that he has familarized himself with the record pursuant to Rule 25(a) of the Fed. R. of Crim. Procedure, the Hon. Leroy J. Conite is hereby assigned to complete the trial in the above captioned cause of action filed. Battisti, J. (2/20/74)

2/20/74 Minutes of proceedings filed. Conite, J., Thompson, r. (trial to Jury resumed. Adjourned to 2/21/74)

2/21/74 Order that the Indictment herein is dismissed as to deft. MICHAEL MALVASI only filed. Krupansky, J. (2/21/74)

2/21/74 Minutes of proceedings filed. Contie, J., Thompson, r. (Trial to the Jury resumed. Adjourned to 2/22/74)

2/22/74 Minutes of proceedings filed. Conite, J., Thompson, r. (trial to the Jury resumed. Adjourned to 2/25/74)

DATE	PROCEEDINGS

2/25/74 Minutes of proceedings filed, Contie, J. Thompson, R. (trial concluded verdict of guilty on Ct. 1 as to defts. SPAGANLO and TRIFLER; verdict of not guilty on Ct. 2 as to said defts; verdict of not guilty as to defts. CHICKENO, SLYMAN, GIRARD, SIDORIS, LOUIS GLASSMAN, SANFORD GLASSMAN, LORENZETTI and BLANK on both Cts, defts. SPAGANLO and TRIFLER referred for pre-sent. report, bonds continued.)

2/25/74 Verdict filed.

2/26/74 Govt. Ex. 44 and Defts' Ex. O (money & list) in VAULT ROOM 330 (top left drawer)

2/26/74 All other exhibits in room 111A, Shelf 7034, except jurors notes shelf 7039.

2/26/74 Order (upon a verdict by the jury) that the Indictment herein is dismissed as to defts. Ernest Chickeno, Joseph Slyman, James Neil Girard, George Frank Sidoris, Louis Glassman, Sanford Glassman, Jack Lorenzetti and James Blank; further order that Count II of the Indictment only is dismissed as to defts. Joseph Anthony Spaganlo and Harvey Trifler filed. Contie, J. (2/26/74)

2/27/74 Marshal's retn. on Subpoena to Produce Document or object filed. Served Karen Pavlich on 2/13/74. FEES: $2.00

2/27/74 Marshal's retn. on Subpoena to testify filed. Served Mr. Regis Yoest on 2/14/74. FEES: $4.40

2/27/74 Subpoena to Produce Document retn & filed. Served Nelson Petit on 1/14/74. FEES: $—

2/27/74 Subpoena to Produce Document retn. & filed. Served David Gibson on 1/14/74. FEES: $0—

3/4/74 Subpoena to testify retn. & filed. Served Robert Windle on 2/11/74.

DATE	PROCEEDINGS

3/4/74 Subpoena to testify retn. & filed. Served William McGee on 2/11/74.

3/4/74 Subpoena to testify retn. & filed. Served Karen Pavlich on 2/11/74.

3/6/74 Designation of record on appeal by Appellant filed. Copy mailed 3/6/74.

3/11/74 Warrant for Arrest of deft. retn. & filed. Executed by FBI on 11/26/73.

3/21/74 Order the time for filing the certified record on appeal in the United States Court of Appeals for the 6th Circuit is hereby extended to 5/24/74 to enable the court reporter to complete the transcript filed. Krupansky, J. Copies mailed. (3/21/74)

3/26/74 Order that the application of Harvey Trifler for permission to leave the State of Ohio to travel to the State of Nevada during the period of March 27, 1974 to April 1, 1974 is granted filed. Contie, J..True copy to Trifler. (3/26/74)

[Filed November 1, 1973]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Criminal No. ———

Violation of Title 18, United States Code, Sections 1955, 371, and 2

UNITED STATES OF AMERICA, PLAINTIFF

v.

ALBERT KOTOCH, JOSEPH ANTHONY SPAGANLO, HARVEY TRIFLER, ERNEST CHICKENO, JOSEPH SLYMAN, JAMES NEIL GIRARD, GEORGE FRANK SIDORIS, LOUIS GLASSMAN, SANFORD GLASSMAN, DOMINIC RALPH BUZZACCO, JACK LORENZETTI, MICHAEL MALVASI, VANIS RAY ROBBINS, THOMAS W. DONOVAN, JAMES BLANK, JACOB JOSEPH LAUER, JOSEPH FRANCIS MERLO, DEFENDANTS

INDICTMENT

The Grand Jury charges that:

COUNT I

From on or about October 15, 1971, the exact date being to the Grand Jury unknown, and continuing thereafter, up to and including the date of this indictment, in the Northern District of Ohio, and elsewhere, ALBERT KOTOCH, JOSEPH ANTHONY SPAGANLO, HARVEY TRIFLER, ERNEST CHICKENO, JOSEPH SLYMAN, JAMES NEIL GIRARD, GEORGE FRANK SIDORIS, LOUIS GLASSMAN, SANFORD GLASS-

MAN, DOMINIC RALPH BUZZACCO, JACK LORENZETTI, MICHAEL MALVASI, VANIS RAY ROBBINS, THOMAS W. DONOVAN, JAMES BLANK, JACOB JOSEPH LAUER, and JOSEPH FRANCIS MERLO, defendants herein, did unlawfully, willfully, and knowingly conspire, combine, confederate, and agree together, with each other and with KENNETH C. JONKE, FRANK L. ZELL, and DANIEL P. CARDILLO, named as co-conspirators but not as defendants herein, and with diverse other persons to the Grand Jury unknown, to commit offenses against the United States, to wit: To violate Section 1955, Title 18, United States Code, by conducting, financing, managing, supervising, directing, and owning all or part of an illegal gambling business, that is, a sports book, in the Northern District of Ohio, and the Southern District of Ohio, such business being in substantially continuous operation for a period in excess of thirty (30) days, and having a gross revenue of $2,000 on one or more single days, involving five (5) or more persons in its conduct, financing, management, supervision, direction, and ownership and being in violation of the laws of the State of Ohio, Sections 2915.01, 2915.06, 2915.09, and 2915.12 of the Ohio Revised Code.

OVERT ACTS

In furtherance of the conspiracy and to effect the objects thereof, the following overt acts, among others, were committed:

1. On or about the 15th day of April, 1972, in the Northern District of Ohio, JAMES NEIL GIRARD asked Jeanette Misurec for permission to use the basement of her home for an office.

2. On or about the 5th day of December, 1972, in the Northern District of Ohio, ALBERT KOTOCH accepted a wager by telephone.

3. On or about the 8th day of December, 1972, ALBERT KOTOCH, who was then in the Northern District of Ohio, received bets from THOMAS W. DONOVAN.

4. On or about the 10th day of December, 1972, in the Northern District of Ohio, ALBERT KOTOCH discussed "bottom figures" with GEORGE SIDORIS.

5. On or about the 26th day of December, 1972, in the Northern District of Ohio, ALBERT KOTOCH and JOSEPH ANTHONY SPAGANLO had a conversation concerning "line" information.

6. On or about the 27th day of December, 1972, in the Northern District of Ohio, LOUIS GLASSMAN received instructions for betting several football games from ALBERT KOTOCH.

7. On or about the 1st day of January, 1973, in the Northern District of Ohio, ALBERT KOTOCH and ERNEST CHICKENO discussed the money that ERNEST CHICKENO had collected from bettors for ALBERT KOTOCH.

8. On or about the 1st day of January, 1973, ALBERT KOTOCH, who was then in the Northern District of Ohio, and DOMINIC RALPH BUZZACCO discussed their "bottom figures".

9. On or about the 3rd day of January, 1973, VANIS RAY ROBBINS and HARVEY TRIFLER, who was then in the Northern District of Ohio, discussed their "bottom figures".

All in violation of Section 371, Title 18, United States Code.

The Grand Jury further charges that:

COUNT II

Beginning on or about October 15, 1971, the exact date being to the Grand Jury unknown and continuing thereafter up to and including the date of this indictment, in the Northern District of Ohio, and elsewhere, ALBERT KOTOCH, JOSEPH ANTHONY SPAGANLO, HARVEY TRIFLER, ERNEST CHICKENO, JOSEPH SLYMAN, JAMES NEIL GIRARD, GEORGE FRANK SIDORIS, LOUIS GLASSMAN, SANFORD GLASSMAN, DOMINIC RALPH BUZZACCO, JACK LORENZETTI, MICHAEL MALVASI, VANIS RAY ROBBINS, THOMAS W. DONOVAN, JAMES BLANK, JACOB

JOSEPH LAUER, and JOSEPH FRANCIS MERLO, defendants herein, and KENNETH C. JONKE, FRANK L. ZELL, and DANIEL P. CARDILLO, named as co-accomplices but not as defendants herein, and diverse other persons to the Grand Jury unknown, did knowingly, unlawfully, and willfully conduct, finance, manage, supervise, direct, and own all or part of an illegal gambling business, to wit: a sports book being conducted in the Northern and Southern Districts of Ohio, such business being in substantially continuous operation for a period in excess of thirty (30) days and having a gross revenue of $2,000 or more on one or more single days, involving five (5) or more persons in its conduct, financing, management, supervision, direction, and ownership and being in violation of Sections 2915.01, 2915.06, 2915.09, and 2915.12 of the Ohio Revised Code.

All in violation of Section 1955 and 2, Title 18, United States Code.

This Is A True Bill.

/s/ Michael P. Fedock
Foreman

/s/ Frederick M. Coleman
FREDERICK M. COLEMAN
United States Attorney

/s/ David Margolis
DAVID MARGOLIS
Special Attorney
U. S. Department of Justice

DATE: November 1, 1973

[Filed November 28, 1972]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN THE MATTER OF THE APPLICATION OF THE UNITED STATES FOR AN ORDER AUTHORIZING INTERCEPTION OF WIRE COMMUNICATIONS

APPLICATION

Steven R. Olah, an Attorney with the Organized Crime and Racketeering Section of the United States Department of Justice, being duly sworn states:

This sworn application is submitted in support of an order authorizing the interception of wire communications. This application has been submitted only after lengthy discussion concerning the necessity for such an application with various officials of the Organized Crime and Racketeering, Section, United States Department of Justice, Washington, D. C., together with Agents of the Federal Bureau of Investigation.

1. He is an "investigative or law enforcement officer —of the United States" within the meaning of Section 2510(7) of Title 18, United States Code, that is—he is an Attorney authorized by law to prosecute or participate in the prosecution of offenses enumerated in Section 2516 of Title 18, United States Code.

2. Pursuant to the power conferred on him by Section 2516 of Title 18, United States Code, the Attorney General of the United States, the Honorable Richard G. Kleindienst, has specifically designated the Assistant Attorney General of the Criminal Division, the Honorable

Henry E. Petersen, to exercise the powers conferred on him by Section 2516 of Title 18, United States Code, to authorize this Application. Under the powers specially delegated to him by the Attorney General, the Assistant Attorney General of the Criminal Division has authorized this Application. Attached to this Application as Exhibit A are a copy of the Order of the Attorney General specifically designating the Assistant Attorney General of the Criminal Division to act in these matters, the memorandum of authorization approved by the Assistant Attorney General of the Criminal Division, the Honorable Henry E. Petersen, and the letter of authorization in the name of the Assistant Attorney General of the Criminal Division, the Honorable Henry E. Petersen, addressed to David Margolis, Attorney in Charge, Cleveland Strike Force.

3. This application seeks authorization to intercept wire communications of Albert Kotoch, Joseph Anthony Spaganlo, Ernest L. Chickeno, Raymond Paul Vara, George M. Florea, Suzanne Veres, and others as yet unknown concerning offenses enumerated in Section 2516 of Title 18, United States Code, that is—offenses involving the conducting, financing, managing, supervision, directing, or owning all or part of an illegal gambling business that violates the laws of the State of Ohio and violates Section 1955 of Title 18, United States Code, and are conspiring to commit such offenses in violation of Section 371 of Title 18, United States Code, which have been committed and are being committed by Albert Kotoch, Joseph Anthony Spaganlo, Ernest L. Chickeno, Raymond Paul Vara, George M. Florea, Suzanne Veres and others as yet unknown.

4. Section 803 of Title VIII, entitled Syndicated Gambling of the "Organized Crime Control Act of 1970", Public Law 91-452, 91st Congress, approved October 15, 1970, Amended Chapter 95, Title 18, United States Code, by adding a new section, Section 1955, Prohibition of Illegal Gambling Businesses. Section 801 of Title VIII of this Act contains special findings that illegal gambling involves widespread use of, and has an effect upon, interstate commerce and the facilities thereof.

5. The prohibited illegal gambling business described herein violates the laws of the State of Ohio, specifically one or more of the following sections: 2915.06, 2915.09, 2915.15.12, 2915.122 and 2915.14 of the Ohio Revised Code.

6. He has discussed all the circumstances of the above offenses with Special Agent Richard L. Ault, Jr., of the Cleveland, Ohio Office of the Federal Bureau of Investigation who has directed and conducted the investigation herein, and has examined the affidavit of Special Agent Ault (attached to this application as Exhibit B and incorporated by reference herein) which alleges the facts therein in order to show that:

(a) there is probable cause to believe that Albert Kotoch, Joseph Anthony Spaganlo, Ernest L. Chickeno, Raymond Paul Vara, George M. Florea, Suzanne Veres and others as yet unknown have committed and are committing offenses involving the conducting, financing, managing, supervising, directing or owning all or part of an illegal gambling business in violation of Section 1955 of Title 18, United States Code and are conspiring to commit such offenses in violation of Section 371 of Title 18, United States Code.

(b) there is probable cause to believe that particular wire communications of Albert Kotoch, Joseph Anthony Spaganlo, Ernest L. Chickeno, Raymond Paul Vara, George M. Florea, Suzanne Veres and others as yet unknown concerning these offenses will be obtained through the interception, authorization for which is herein applied. In particular, these wire communications will concern the placing and receiving of sports bets and action and the dissemination of "line" information.

(c) normal investigative procedures reasonably appear to be unlikely to succeed if tried.

(d) there is probable cause to believe that the telephones numbered (216) 777-0850 and (216) 777-0851, both located at Apartment 512, 25151 Brook-

park Road, North Olmsted, Ohio, and both subscribed to by Richard Wellman and the telephones numbered (216) 453-6114 subscribed to by Annette Florea and billed to George Florea and (216) 452-1624 subscribed to by Margret Delerba, both located at 204 Broad Avenue, Northwest, Canton, Ohio, have been used and are being used by Albert Kotoch, Joseph Anthony Spaganlo, Ernest L. Chickeno, Raymond Paul Vara, George M. Florea, Suzanne Veres, and others as yet unknown in connection with the commission of the above-described offenses.

7. No previous application is known to have been made to any judge for authorization to intercept, or for approval of interceptions of, wire or oral communications involving any of the same persons, facilities, or places specified herein, except as follows:

(a) Joseph Anthony Spaganlo was a subject of interception of wire communications pursuant to an order signed by the Honorable Judge Frank J. Battisti on October 2, 1969, at 10:30 a.m., authorizing the interception of wire communications to and from telephone numbers (216) 241-6162, (216) 241-6639, (216) 696-4085, (216) 861-4756, (216) 781-1587, and (216) 781-1996, all located on the second floor at 3064 West 25th Street, Cleveland, Ohio, and,

(b) Raymond Paul Vara was a subject of interception of wire communications pursuant to an order signed by the Honorable Judge Frank J. Battisti on November 6, 1969, at 10:25 a.m., authorizing the interception of wire communications to and from telephone numbers (216) 792-8321 and (216) 792-8430, both located at 1218 South Meridian Avenue, Youngstown, Ohio.

WHEREFORE, your affiant believes that probable cause exists to believe that Albert Kotoch, Joseph Anthony Spaganlo, Ernest L. Chickeno, Raymond Paul Vara, George M. Florea, Suzanne Veres and others as yet unknown are conducting, financing, managing, supervising, directing or owning all or part of an illegal gambling

business involving five or more persons which has been or remains in substantially continuous operation for a period in excess of thirty days and violates the laws of the State of Ohio, and which therefore is in violation of Section 1955 of Title 18, United States Code, and are conspiring to commit such offenses in violation of Section 371 of Title 18, United States Code; that Albert Kotoch, Joseph Anthony Spaganlo, Ernest L. Chickeno, Raymond Paul Vara, George M. Florea, Suzanne Veres and others as yet unknown have used, and are using the telephones numbered (216) 777-0850 and (216) 777-0851 both located at Apartment 512, 25151 Brookpark Road, North Olmsted, Ohio, and both subscribed to by Richard Wellman and the telephones numbered (216) 453-6114 subscribed to by Annette Florea and billed to George Florea and (216) 452-1624 subscribed to by Margaret Delerba, both located at 204 Broad Avenue, Northwest, Canton, Ohio, in connection with the commission of the above-described offenses; that communications of Albert Kotoch, Joseph Anthony Spaganlo, Ernest L. Chickeno, Raymond Paul Vara, George M. Florea, Suzanne Veres and others as yet unknown concerning these offense will be intercepted to and from the above-described telephones; and that normal investigative procedures reasonably appear to be unlikely to succeed if tried.

On the basis of the allegations contained in this application and on the basis of the affidavit of Special Agent Richard L. Ault, Jr., which is attached and made a part of this application, affiant requests that this court issue an order, pursuant to the power conferred on it by Section 2518 of Title 18, United States Code authorizing the Federal Bureau of Investigation of the United States Department of Justice to intercept wire communications to and from the above-described telephones, which interceptions shall not automatically terminate when the described types of communications have first been obtained, but shall continue until communications are intercepted which reveal the manner in which Albert Kotoch, Joseph Anthony Spaganlo, Ernest L. Chickeno, Raymond Paul Vara, George M. Florea, Suzanne Veres and others as yet unknown participate in the conducting, financing,

managing, supervising, directing or owning all or part of an illegal gambling business in violation of Title 18, United States Code, Section 1955 and the laws of the State of Ohio and which reveal the identities of their confederates, their places of operation, and the nature of the conspiracy involved therein, or for a period of fifteen (15) days from the date of that order, whichever is earlier.

It is further requested that this court issue an order pursuant to the power conferred on it by Section 2518 (4)(e) of Title 18, United States Code, directing that the Ohio Bell Telephone Company, a communication common carrier as defined in Section 2510(10) of Title 18, United States Code, shall furnish the applicant forthwith all information, facilities and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services that such carrier is according the person whose communications are to be intercepted, the furnishing of such facilities or technical assistance by the Ohio Bell Telephone Company to be compensated for by the applicant at the prevailing rates.

/s/ Steven R. Olah

Subscribed and sworn to before me this 28th day of November, 1972.

/s/ Frank J. Battisti
United States District Judge

[Filed November 28, 1972]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

IN THE MATTER OF THE APPLICATION OF THE UNITED STATES FOR AN ORDER AUTHORIZING THE INTERCEPTION OF WIRE AND ORAL COMMUNICATIONS

AFFIDAVIT

I, RICHARD L. AULT, JR., Special Agent, Federal Bureau of Investigation, Cleveland, Ohio, being duly sworn, state:

I. I am an "investigative or law enforcement officer . . . of the United States" within the meaning of Title 18, United States Code, Section 2510(7)—that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516.

II. This affidavit seeks authorization to intercept wire communications concerning offenses involving violations of Title 18, United States Code, Section 1955, and a conspiracy to commit the aforesaid offenses in violation of Title 18, United States Code, Section 371, which have been and are now being committed by ALBERT KOTOCH, JOSEPH ANTHONY SPAGANLO, ERNEST CHICKENO, RAYMOND PAUL VARA, GEORGE M. FLOREA, and SUZANNE VERES and others, as yet unknown.

III. I have personally conducted the investigation of this offense and because of my personal participation in this investigation, and of reports made to me by other

Agents of the Federal Bureau of Investigation, I am familiar with all the circumstances of the offense. Based on this familiarity, I allege the facts contained in the paragraphs below to show that:

a. There is probable cause for a belief that ALBERT KOTOCH, JOSEPH ANTHONY SPAGANLO, ERNEST L. CHICKENO, RAYMOND PAUL VARA, GEORGE M. FLOREA, and SUZANNE VERES, and others, as yet unknown, have been and are now committing and will continue to commit offenses against the United States, that is to say:

Conducting, financing, managing, supervising, directing or owning all or part of an illegal gambling business which has been or remains in substantially continuous operation for a period in excess of thirty days or has a gross revenue of $2,000 in any single day in violation of Title 18, United States Code, Section 1955 (the laws of the State of Ohio, specifically Ohio Revised Code, Sections 2915.06, 2915.11, 2915.13. and 2915.14), and conspiring to commit the above offense in violation of Title 18, United States Code, Section 371.

b. There is probable cause for belief that particular wire communications concerning these offenses will be obtained through wire interceptions, authorization for which is applied for herein.

c. Normal investigative procedures reasonably appear unlikely to succeed, if tried.

d. There is probable cause to believe that telephone (216) 777-0850, (216) 777-0851, located at Apartment 512, 25151 Brookpark Road, North Olmsted, Ohio, subscribed to by RICHARD WELLMAN and telephone numbers (216) 453-6114 and (216) 452-1624 located at 204 Broad Avenue, Canton, Ohio, utilized by GEORGE FLOREA, at the same address, are being used and will continue to be used in carrying out the offenses detailed above, all of which appeal more fully hereinafter.

e. Section 801, of Title VIII of the Organized Crime Control Act of 1970, Public Law 91-452. 91st Congress, October 15, 1970, contains special findings that illegal

gambling involves the widespread use of, and has an effect upon, interstate commerce and the facilities thereof.

IV. From my three years experience in the Federal Bureau of Investigation, including two years experience in investigation of gambling violations, and from consultation with other Special Agents of the Federal Bureau of Investigation, I know that a bookmaking business of any size requires a bookmaker to balance his books. That is, at the end of betting on a certain event, the bookmaker hopes to achieve an ideal situation of having the total amount he must pay out the same regardless of who wins. In this way the bookmaker cannot be a loser no matter what the outcome of the sport contest, for he keeps a small premium on each bet placed with him. The bookmaker, then, operates on a profit margin. He does not gamble on the outcome of any given event.

I further know that:

a. In order for a bookmaker to balance his books, it is almost always necessary for him to have another bookmaker with whom he can place the bets which have unbalanced his books. This second bookmaker is known as a "lay-off" bookmaker, and the above mentioned process is known as "laying off." This second bookmaker, the "lay off" bookmaker, must also balance his books, thus the process may be repeated many times over and involve people in all parts of the United States.

b. A bookmaker must also receive and furnish "line" information. This is necessary to stimulate the betting activity and to enable him to operate his business with the greatest chance of profit. The "line" is the point spread or odds in an athletic contest. "Line" information will vary throughout the day and is governed by the amount of money wagered on a game with and by a particular bookmaker. The "lines," or odds, can and do go up or down depending on the amount of money bet on any one event. During the baseball season, which is from March to October, a bookmaker will generally receive and give out the "line" and accept and place wagers in the late morning and early afternoon hours

because the baseball games begin in the afternoon and the betting activity must be completed before the game begins. One of the first calls of each day made or received by a bookmaker, involves "line" information. The bookmaker will receive his "line" from a handicapper who specializes in determining what the odds will be in an athletic contest. The bookmaker will then furnish the "line" to his customers who will read it, compare it with other "lines" and make a wager. To do this, constant access to a telephone is a necessity.

c. Gamblers have special terms. For example, they usually refer to the amount of a bet in terms much smaller than the actual amount. As an example, a wager being made for a "dime" usually meas a wager of $1,000; and for a "nickel" usually means for $500. These terms are also variable according to the customary size of the gambling operation. Thus, a "dime" may mean $10, $100, or $1,000 depending on the understanding between the two conversants. A bet of a "buck" would normally mean a wager for $100. Bookmakers do this in order to avoid revealing the actual size of the wagers.

V. FACTS AND CIRCUMSTANCES

1. INVESTIGATION AS SET FORTH HEREIN, INDICATES THAT ALBERT KOTOCH, JOSEPH A. SPAGANLO, AND ERNEST L. CHICKENO, ARE ENGAGED IN A BOOKMAKING BUSINESS WITH RAYMOND P. VARA, GEORGE M. FLOREA, AND SUZANNE VERES.

A. Sources of information have been contacted by Special Agents of the Federal Bureau of Investigation who have in turn related to affiant information set forth herein:

a. Source Number One, hereinafter referred to as Source One, has been a reliable source of the Cleveland Division of the Federal Bureau of Investigation in excess of eight years and has provided accurate and reliable information concerning gambling cases on at least seventy occasions, at least two of which led directly to arrests

and conviction of thirteen gamblers. Source One, who resides in Northern Ohio, is aware of the gambling activities of AL KOTOCH and JOSEPH SPAGANLO through the source's personal acquaintance with these individuals and through source's personal conversations with KOTOCH and SPAGANLO concerning their gambling activities.

On February 24, 1972, Source One advised Special Agents of the Federal Bureau of Investigation that AL KOTOCH was extremely active in booking bets and was considered to be one of the major bookmakers in the Cleveland, Ohio, area.

b. Source Number Two, hereinafter referred to as Source Two, has been a source of the Cleveland Division of the Federal Bureau of Investigation for six months. Source has provided gambling information on two occasions which has been proven accurate by independent investigation by Special Agents of the FBI. Source, who resides in Cleveland, Ohio, is aware of the gambling activities of AL KOTOCH and JOE SPAGANLO through source's association, and conversations, with AL KOTOCH and JOE SPAGANLO, concerning their gambling activities.

On May 10, 1972, Source Two advised Special Agents of the FBI that JOE SPAGANLO is currently booking sports bets. Source further adviced that source has learned through conversations with SPAGANLO and KOTOCH that SPAGANLO and KOTOCH are associated with each other in booking sports bets.

c. SHELDON JAFFE, who resides in Los Angeles, California, was interviewed by Special Agents of the FBI in regard to a gambling investigation which was previously conducted concerning AL KOTOCH, on April 19, 1972, and provided the following information:

JAFFE stated that he personally knew ALBERT K. KOTOCH of Cleveland, Ohio, and knew him to be a bookmaker. JAFFE said KOTOCH was one of the top five bookmakers in the Cleveland area, and he always dealt directly with KOTOCH with the exception of a few "pay" and "collect" days in which he dealt with an

individual named JOHNNY whose last name is unknown to the source. JAFFE said he always called directly to AL KOTOCH and he would bet as much as $25,000 a week with KOTOCH by between two hundred to two thousand dollars on thirty or forty different sporting events. He stated that KOTOCH would accept any size bet and had no actual gross limit.

JAFFE stated that his first dealings with KOTOCH as a bettor were in September or October, 1968. He stated that for approximately six months, he usually bet only a few hundred dollars a game, before he moved from Cleveland to Los Angeles. JAFFE advised he moved back to Cleveland in January, 1970, and it was from September or October, 1970, to the end of the football season of 1970 that he bet heavily with AL KOTOCH.

JAFFE stated that during the time described above, he would settle up with KOTOCH each week. JAFFE stated that he worked on a percentage basis with KOTOCH in that if he won, he would take only fifty percent of his winnings and leave fifty percent in a fund to cover possible losses from future betting. JAFFE believes he pretty much broke even for the season of 1970, and he never got hurt by the "vig" i.e., the amount that bookmakers charge to accept bets. He stated that he made out $7,600 in postdated checks to AL KOTOCH in payment for gambling debts owed KOTOCH.

JAFFE said that AL KOTOCH asked him to call Los Angeles and obtain "line" information from people that JAFFE knew in Los Angeles and that he refused to do so.

d. On September 13, 1972, Source One advised Special Agents of the FBI that through conversation with AL KOTOCH and JOE SPAGANLO source has learned that AL KOTOCH and JOE SPAGANLO are aligned with each other in a bookmaking operation, and that they exchange "line" information. Source considers AL KOTOCH to be one of the largest bookmakers in the Cleveland area, who handles an extensive volume of sports booking.

Source One further stated that through conversations with AL KOTOCH and JOSEPH SPAGANLO source has

learned that "CHICK" CHICKENO is closely allied with AL KOTOCH in his bookmaking operation and that Source One knows personally that CHICKENO for years, has been involved in bookmaking, and has always worked for someone rather than attempt to run his own book.

On September 26, 1972. Source One advised Special Agents of the FBI that through conversations with AL KOTOCH and JOE SPAGANLO, source learned CHICKENO is affiliated with AL KOTOCH in bookmaking operations and this relationship has existed for some time. Source advised that CHICKENO's affiliation with KOTOCH is that of an employee.

On October 24, 1972, Source Number One advised Special Agents of the FBI that through conversations with AL KOTOCH and JOE SPAGANLO, source learned that AL KOTOCH and JOE SPAGANLO are still operating as bookmakers in the Cleveland, Ohio, area and exchanging "line" information. Source Number One further advised that ERNEST CHICKENO is still working with AL KOTOCH in KOTOCH's and SPAGANLO's bookmaking operation.

On November 9, 1972, Source Number One advised Special Agents of the FBI that through conversations with AL KOTOCH and JOE SPAGANLO that source had learned as recently as November 3, 1972, that SPAGANLO and KOTOCH are continuing to operate their bookmaking business in the Cleveland, Ohio, area, and are continuing to exchange line information. Source Number One further advised that in recent conversations as late as November 3, 1972, with KOTOCH and SPAGANLO that ERNEST CHICKENO was continuing to work with AL KOTOCH in KOTOCH's and SPAGANLO's bookmaking operation.

e. Source Number Three, hereinafter referred to as Source Three, has ben a source of the Cleveland Office of the FBI in excess of nine years and has provided accurate information to the Cleveland Division on at least fifty occasions, which has been corroborated through investigation by Special Agents of the FBI. Source Three has provided information which has contributed directly to the arrests and convictions of five gamblers

on at least five occasions. Source Three is aware of the activities of AL KOTOCH and JOSEPH SPAGANLO through the source's own gamblng activities and through the fact that the source places wagers with KOTOCH and SPAGANLO.

On September 28, 1972, Source Three advised that AL KOTOCH is currently booking from telephone number (216) 777-0850 and that source has personally placed wagers with KOTOCH by calling KOTOCH on telephone number 777-0850.

On September 21, 1972, a review of the records of the Ohio Bell Telephone Company, Cleveland, Ohio, by affiant shows telephone number (216) 777-0850 is listed to RICHARD WELLMAN, Apartment No. 512, 25151 Brookpark Road, North Olmsted, Ohio. The records further reflect that telephone number (216) 777-0851 and (216) 777-0850 are also located at this apartment.

Previous investigation conducted by Special Agents of the FBI, the results of which are related to affiant, in connection with the gambling activities of JOE SPAGANLO in 1969, 1970, and 1971, have shown that the name RICHARD WELLMAN is a fictitious name which was used by JOE SPAGANLO in connection with the above-mentioned address. This name was used at one time by SPAGANLO to disguise the identity of the true subscriber to telephone number 777-1225, which was in Apartment 512, at above address.

On October 24, 1972, Source Number Three advised that AL KOTOCH is still working as a bookmaker from telephone number (216) 777-0850 and that source is aware that KOTOCH is using the above-mentioned telephone number inasmuch as source has personally placed wagers with KOTOCH by calling KOTOCH at the above-mentioned telephone number.

On November 8, 1972, Source Number Three advised that as recently as November 6, 1972, the Source placed a wager with AL KOTOCH at phone number (216) 777-0850.

f. Source Number Four hereinafter referred to as Source Four, has been a source of the Cleveland Division

of the FBI for at least six years and has provided information concerning gambling activities which has been corroborated by Special Agents of the FBI on at least ten different occasions, and which has led directly to the conviction in Federal Court of at least three gambling figures since 1969. Source Four knows of the activities of JOSEPH SPAGANLO, GEORGE FLOREA, and AL KOTOCH from personal knowledge gained from source's close association, and conversations, with the above-mentioned individuals, and through conversations and association with bookmakers who lay off wagers and exchange wagers with JOSEPH SPAGANLO, RAYMOND VARA, GEORGE FLOREA and AL KOTOCH.

On September 29, 1971, Source Four advised that through conversations with GEORGE FLOREA, source has learned that RAYMOND VARA is furnishing sports "line" information from inside the State of Nevada to GEORGE FLOREA and JOE SPAGANLO for use in their bookmaking activities.

On December 3, 1971, Source Four advised that through conversations with GEORGE FLOREA that the telephone number which SPAGANLO is currently utilizing in connection with his bookmaking activities is (216) 221-3880.

A review of the toll records of the Ohio Bell Telephone Company on September 21, 1972, by Special Agents of the FBI indicated that (216) 221-3880 was listed to ERNEST CHICKENO, Apartment 1621, 12900 Lake Avenue, Lakewood, Ohio. Records also show that this number was disconnected as of this date and no replacement telephone was re-issued. Records further reflect that telephone number (216) 228-1495 is listed to ERNEST CHICKENO at the above address.

Source Four advised on September 22, 1972, that through conversations with GEORGE FLOREA source has learned that GEORGE FLOREA, Canton, Ohio, telephonically contacts JOE SPAGANLO in Cleveland, Ohio, and exchanges wagering information.

Source Four advised further on September 22, 1972, that source learned through conversations with NELLO RONCI, who has admitted to source as recently as September 22, that he is a bookmaker, and who bets with SPAGANLO, that SPAGANLO and his partner, whose name was not fully known to source as of September 22, 1972, are operating in the Cleveland, Ohio, area, as bookmakers, and continue to be in daily contact with RAYMOND VARA in Las Vegas, Nevada. The source advised that the purpose of these telephone calls is to exchange "line" information. Source Four further stated that during the course of a conversation with FLOREA, the source learned that VARA contacts SPAGANLO or his girlfriend, SUZANNE VERES, in the Cleveland, Ohio, area daily at approximately 11:45 a.m., and the "line" is furnished for use in SPAGANLO's daily bookmaking operation in the Cleveland area.

Source Four advised on September 22, 1972, that the source personally knows from conversations with GEORGE FLOREA, that VARA has furnished "line" information to SPAGANLO for several years, and that Canton, Ohio, bookmaker, GEORGE FLOREA, is in frequent contact with both RAYMOND PAUL VARA in Las Vegas, and JOSEPH SPAGANLO or his partner in Cleveland, Ohio. Further, Source Four advised that through conversations as recently as the week of September 22, 1972, with FLOREA, Source learned that FLOREA is utilizing his home telephones, (216) 453-6114 and 452-1624, for his bookmaking activities.

Source Four advised on October 3, 1972, that from conversations with NELLO RONCI as well as with other bookmakers who bet with JOE SPAGANLO, that JOSEPH SPAGANLO until recently utilized telephone number (216) 221-3880, Cleveland, Ohio, in connection with his bookmaking activities; however, this number was recently changed.

Source Four advised on October 3, 1972, that from conversations with bookmakers who "lay off" to and exchange wagering information with JOE SPAGANLO

that SPAGANLO's partner handles the telephone booking operation, and that this is the individual being contacted by GEORGE FLOREA to exchange wagering information.

Concerning NELLO A. RONCI, who has admitted to Source Four as recently as the week ending October 31, 1972, that he was a bookmaker:

NELLO A. RONCI was indicted by a Federal Grand Jury in Cleveland, Ohio, on April 2, 1970, on seven counts of violations of Title 18, United States Code, Sections 1952 and 371. On May 21, 1971, I. RONCI entered a plea of guilty in United States District Court to violating seven counts of Title 18, United States Code, Section 371, conspiracy to violate Section 1952, and was sentenced by United States District Judge THOMAS D. LAMBORS to five years probation and $7,500 fine. On May 25, 1971, RONCI also entered a plea of guilty under Rule 20 to a violation of Title 18, United States Code, Section 1084. This plea was entered because of an indictment returned by a United States Federal Grand Jury in Buffalo, New York, on May 25, 1971. RONCI was sentenced to five years probation which ran concurrently with the above-mentioned sentence. The above-mentioned case is the same case mentioned on pages 45 and 46 of this affidavit in which JOSEPH ANTHONY SPAGANLO and RAYMOND PAUL VARA were convicted of violations of Title 18, United States Code, Section 371.

Source Four advised on October 11, 1972, that from conversations with bookmakers who associate with SPAGANLO, including NELLO RONCI, source learned that SPAGANLO's partner is AL KOTOCH, and that SPAGANLO and KOTOCH continue to operate a bookmaking operation in conjunction with RAYMOND VARA, who provides wagering information to SPAGANLO's bookmaking operation from Las Vegas, Nevada.

On October 24, 1972, Source Four advised that source personally knows through source's personal association with such bookmakers as NELLO RONCI and GEORGE FLOREA that Youngstown, Canton, and most of north-

eastern Ohio bookmakers depend upon the JOSEPH SPAGANLO bookmaking operation to relay the current out-of-state sports "line" which is being provided daily to SPAGANLO from Las Vegas, Nevada, by RAYMOND PAUL VARA.

Source Four advised on November 9, 1972, that the source learned from conversations as recently as November 6, 1972, with GEORGE FLOREA, who lays off to SPAGANLO, that VARA currently utilizes pay telephones at various gambling casinos in Las Vegas, Nevada, to make his calls, inasmuch as VARA is attempting to conceal his activities from law enforcement officials. Source Four advised that from conversations with FLOREA, source learned that RAYMOND VARA continues to call JOSEPH SPAGANLO's girl friend, who source knows to be SUZANNE VERES, on a daily basis at her residence, and furnish the "line" information. Source advised that SUZANNE VERES then relays this "line" information on to AL KOTOCH. Source Four stated that the source knows from conversations with FLOREA as recently as November 6, 1972, that JOSEPH SPAGANLO is reluctant to handle any telephone calls concerning "line" information himself because he fears Federal prosecution if he is caught. Source Four advised that GEORGE FLOREA told source as recently as November 5, 1972, that he continues utilizing his home telephones, 453-6114, and 452-1624, for booking and occasionally obtaining "line" information from RAYMOND VARA in Las Vegas, Nevada. Source Four further advised that FLOREA is still obtaining his daily "line" information from JOSEPH SPAGANLO's operation in the Cleveland, Ohio, area, and on occasion FLOREA will also provide the "line" information to SPAGANLO.

g. Source Number Five hereinafter referred to as Source Five, has been a source of the Cleveland Division of the Federal Bureau of Investigation for at least eight years and has provided information concerning gambling activities which has been corroborated by Special Agents of the FBI on at least fifteen different occasions, and which has led directly to the conviction in Federal Court of at least twelve gambling figures since 1969. Source

Five personally knows of the activities of AL KOTOCH and JOSEPH SPAGANLO through the fact that source personally wagers with AL KOTOCH. Sources Five advised on November 9, 1972, that through conversations with AL KOTOCH as recently as November 5, 1972, Source Five has learned that AL KOTOCH operates in conjunction with JOE SPAGANLO as bookmakers. Source Five further advised that during conversations with AL KOTOCH as recently as November 5, 1972, and through wagers which Source Five personally placed with AL KOTOCH as recently as November 5, 1972, that Source knows AL KOTOCH is currently utilizing phone number (216) 777-0850.

h) On November 17, 1972 Source One personally advised affiant that Source One had learned as recently as the week ending November 17, 1972, through conversations with AL KOTOCH and JOSEPH SPAGANLO, that AL KOTOCH is still in his bookmaking operation and further, that ERNEST CHICKENO is working, or continues to work for AL KOTOCH in KOTOCH's bookmaking activities. Source One advised Affiant on November 17, 1972, that all information previously related by the Source to Special Agents of the FBI, as set forth in this affidavit, is true and correct.

i) On November 20, 1972, Source Four personally related to affiant that the Source has learned through conversations with NELLO RONCI and GEORGE FLOREA as recently as the week ending November 19, 1972, that JOSEPH SPAGANLO and his partner, AL KOTOCH continue their bookmaking operations in the Cleveland, Ohio, area. Further, Source Four advised affiant that during the course of conversations with FLOREA and RONCI, as recently as the week ending November 19, 1972, Source has learned that RAYMOND PAUL VARA continues to exchange wagers and line information with FLOREA and continues to provide daily line information to JOSEPH SPAGANLO's girl friend, SUZANNE VERES at her residence. Source knows from conversations with FLOREA as recently as November 19, 1972, that FLOREA continues to utilize his home telephones number 453-6114 and 452-1624 for accepting wagers and

occasionally obtaining "line information" from RAYMOND PAUL VARA in Las Vegas. Nevada. Source personally advised affiant on November 20, 1972, that all information previously related by the source to Special Agents of the FBI as set forth in this affidavit, is true and correct.

j) On November 17, 1972, Source Number Five personally advised affiant that as recently as the week ending November 17. 1972, that the source has personally placed wagers with AL KOTOCH by calling KOTOCH at telephone number (216) 777-0850 and talking to KOTOCH. Source Five advised affiant on November 17, 1972, that all information which the Source has previously related to Special Agents of the FBI is true and correct.

k. On November 27, 1972, Source One personally advised affiant that Source One learned as recently as the week ending November 26, 1972, through conversations with AL KOTOCH and JOSEPH SPAGANLO, that AL KOTOCH is continuing his bookmaking operation. Source One advised that through conversations with AL KOTOCH and JOSEPH SPAGANLO as recently as the week ending November 26, 1972, that ERNEST CHICKENO continues to work for AL KOTOCH's bookmaking operation.

l. On November 27, 1972, Source Four personally related to affiant that through conversations with NELLO RONCI and GEORGE FLOREA as recently as the week ending November 26, 1972, that source learned that JOSEPH SPAGANLO and his partner, AL KOTOCH are still operating as bookmakers in the Cleveland, Ohio, area. Source Four further advised affiant that the Source has learned as recently as November 27, 1972, that RAYMOND PAUL VARA is exchanging line information and wagers with GEORGE FLOREA and continues to provide daily line information through JOSEPH SPAGANLO's girl friend, SUZANNE VERES, at her residence in North Ridgeville, Ohio. Source has learned through conversations with FLOREA as recently as the week ending November 26, 1972, that FLOREA continues to utilize his home telephones numbered 453-6114

and 452-1624 for accepting wagers and obtaining line information from RAYMOND VARA in Las Vegas, Nevada.

m. On November 27, 1972, Source Five personally advised affiant as recently as the week ending November 26, 1972, that the source has knowledge that AL KOTOCH is bookmaking, inasmuch as Source has personally placed wagers with AL KOTOCH at telephone number 216-777-0850 as recently as the week ending November 26, 1972.

GEORGE FLOREA
RAYMOND PAUL VARA

B. Source of information have been contacted by Special Agents of the Federal Bureau of Investigation who have in turn related to affiant all the information set forth herein:

On September 29, 1971, Source Four advised that through conversations with GEORGE FLOREA, source has learned that RAYMOND VARA is furnishing sports "line" information from inside the State of Nevada to GEORGE FLOREA and JOE SPAGANLO for use in their bookmaking activities.

On December 3, 1971, Source Four advised that through conversations with GEORGE FLOREA that the telephone number which SPAGANLO is currently utilizing in connection with his bookmaking activities is (216) 221-3880.

A review of the toll records of the Ohio Bell Telephone Company on September 21, 1972, by Special Agents of the FBI indicated that (216) 221-3880 was listed to ERNEST CHICKENO, Apartment 1621, 12900 Lake Avenue, Lakewood, Ohio. Records also show that this number was disconnected as of this date and no replacement telephone was re-issued. Records further reflect that telephone number (216) 228-1495 is listed to ERNEST CHICKENO at the above address.

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that SPAGANLO's partner handles the telephone booking operation, and that this is the individual being contacted by GEORGE FLOREA to exchange wagering information.

Concerning NELLO A. RONCI, who has admitted to Source Four as recently as the week ending October 31, 1972, that he was a bookmaker:

NELLO A. RONCI was indicted by a Federal Grand Jury in Cleveland, Ohio, on April 2, 1970, on seven counts of violations of Title 18, United States Code, Sections 1952 and 371. On May 21, 1971, RONCI entered a plea of guilty in United States District Court to violating seven counts of Title 18, United States Code, Section 371, conspiracy to violate Section 1952, and was sentenced by United States District Judge THOMAS D. LAMBROS to five years probation and $7,500 fine. On May 25, 1971, RONCI also entered a plea of guilty under Rule 20 to a violation of Title 18, United States Code, Section 1084. This plea was entered because of an indictment returned by a United States Federal Grand Jury in Buffalo, New York, on May 25, 1971. RONCI was sentenced to five years probation which ran concurrently with the above-mentioned sentence. The above-mentioned case is the same case mentioned on pages 45 and 46 of this affidavit in which JOSEPH ANTHONY SPAGANLO and RAYMOND PAUL VARA were convicted of violations of Title 18, United States Code, Section 371.

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On November 20, 1972, Source Four personally related to affiant that the Source has learned through conversations with NELLO RONCI and GEORGE FLOREA as recently as the week ending November 19, 1972, that JOSEPH SPAGANLO and his partner, AL KOTOCH continue their bookmaking operations in the Cleveland, Ohio, area. Further, Source Four advised affiant that during the course of conversations with FLOREA and

RONCI, as recently as the week ending November 19, 1972, Source has learned that RAYMOND PAUL VARA continues to exchange wagers and line information with FLOREA and continues to provide daily line information to JOSEPH SPAGANLO's girl friend, SUZANNE VERES at her residence. Source knows from conversations with FLOREA as recently as November 19, 1972, that FLOREA continues to utilize his home telephones number 453-6114 and 452-1624 for accepting wagers and occasionally obtaining "line information" from RAYMOND PAUL VARA in Las Vegas, Nevada. Source personally advised affiant on November 20, 1972, that all information previously related by the source to Special Agents of the FBI as set forth in this affidavit, is true and correct.

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SUZANNE VERES

C. Sources of information have been contacted by Special Agents of the FBI, who have in turn related to affiant all the information set forth herein:

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Source Four advised on October 3, 1972, that from conversations with bookmakers who "lay off" to and exchange wagering information with JOE SPAGANLO that SPAGANLO's partner handles the telephone booking operation, and that this is the individual being contacted by GEORGE FLOREA to exchange wagering information.

Concerning NELLO A. RONCI, who has admitted to Source Four as recently as the week ending October 31, 1972, that he was a bookmaker:

NELLO A. RONCI was indicted by a Federal Grand Jury in Cleveland, Ohio, on April 2, 1970, on seven counts of violations of Title 18, United States Code, Sections 1952 and 371. On May 21, 1971, RONCI entered a plea of guilty in United States District Court to violating seven counts of Title 18, United States Code, Section 371, conspiracy to violate Section 1952, and was sentenced by United States District Judge THOMAS D. LAMBROS to five years probation and $7,500 fine. On May 25, 1971, RONCI also entered a plea of guilty under Rule 20 to a violation of Title 18, United States Code, Section 1084.

This plea was entered because of an indictment returned by a United States Federal Grand Jury in Buffalo, New York, on May 25, 1971. RONCI was sentenced to five years probation which ran concurrently with the above-mentioned sentence. The above-mentioned case is the same case mentioned on pages 45 and 46 of this affidavit in which JOSEPH ANTHONY SPAGANLO and RAYMOND PAUL VARA were convicted of violations of Title 18, United States Code, Section 371.

Source Four advised on October 11, 1972, that from conversations with bookmakers who associate with SPAGANLO, including NELLO RONCI, source learned that SPAGANLO's partner is AL KOTOCH, and that SPAGANLO and KOTOCH continue to operate a bookmaking operation in conjunction with RAYMOND VARA, who provides wagering information to SPAGANLO's bookmaking operation from Las Vegas, Nevada.

On October 24, 1972, Source Four advised that source personally knows through source's personal association with such bookmakers as NELLO RONCI and GEORGE FLOREA that Youngstown, Canton, and most of northeastern Ohio bookmakers depend upon the JOSEPH SPAGANLO bookmaking operation to relay the current out-of-state sports "line" which is being provided daily to SPAGANLO from Las Vegas, Nevada, by RAYMOND PAUL VARA.

Source Four advised on November 9, 1972, that the source learned from conversations as recently as November 6, 1972, with GEORGE FLOREA, who lays off to SPAGANLO, that VARA currently utilizes pay telephones at various gambling casinos in Las Vegas, Nevada, to make his calls, inasmuch as VARA is attempting to conceal his activities from law enforcement officials. Source Four advised that from conversations with FLOREA, source learned that RAYMOND VARA continues to call JOSEPH SPAGANLO's girl friend, who source knows to be SUZANNE VERES, on a daily basis at her residence, and furnish the "line" information. Source advised that SUZANNE VERES then relays this "line" information on to AL KOTOCH. Source Four stated that the source knows from conversations with

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On November 27, 1972, Source Four personally related to affiant that through conversations with NELLO RONCI and GEORGE FLOREA as recently as the week ending November 26, 1972, that source learned that JOSEPH SPAGANLO and his partner, AL KOTOCH are still op-

erating as bookmakers in the Cleveland, Ohio, area. Source Four further advised affiant that the Source has learned as recently as November 27, 1972, that RAYMOND PAUL VARA is exchanging line information and wagers with GEORGE FLOREA and continues to provide daily line information through JOSEPH SPAGANLO's girl friend, SUZANNE VERES, at her residence in North Ridgeville, Ohio. Source has learned through conversations with FLOREA as recently as the week ending November 26, 1972, that FLOREA continues to utilize his home telephones numbered 453-6114 and 452-1624 for accepting wagers and obtaining line information from RAYMOND VARA in Las Vegas, Nevada.

2. CRIMINAL RECORDS FOR THOSE ABOVE PERSONS

AL KOTOCH

a) Criminal records of the FBI and the Cleveland Police Department, Cleveland, Ohio, were searched by Special Agents of the FBI, who in turn related the following results to the affiant:

On January 8, 1972, the records of the Cleveland Police Department, Cleveland, Ohio, were reviewed concerning AL KOTOCH and the following information was obtained:

AL KOTOCH, date of birth June 13, 1928, was arrested by the Cleveland Police Department, Cleveland, Ohio, on March 21, 1957, on a "gambling charge." He was released after signing a "Suspicious Person" waiver.

The records of the Cleveland, Ohio, Police Department further reflect that on October 10, 1965, AL KOTOCH was arrested in connection with "illegal football wagers". The records reveal that there was insufficient evidence to hold KOTOCH, and he was released after signing a "Suspicious Person" waiver.

On December 12, 1970, duly authorized search warrants for the person of AL KOTOCH and the premises, at which he resided, Apartment 1005, 12000 Edgewater Drive, Lakewood, Ohio, were executed by Special Agents

of the FBI in connection with a nation-wide gambling case being investigated by the FBI in Los Angeles, California. During the execution of the above-described search warrants for the person of AL KOTOCH and his premises at Apartment 1005, 12000 Edgewater Drive, Lakewood, Ohio, Special Agents of the FBI seized football parlay cards, football schedules, betting sheets with notations upon them, $5,210 in cash currency and $13,900 in checks. (Six checks totaling $7,600 were made by SHELDON JAFFE—See page 5 of this affidavit concerning JAFFE.) This case is currently pending in the United States District Courts, Los Angeles, California.

JOSEPH SPAGANLO

B. Criminal records of the FBI and the Cleveland Police Department, Cleveland, Ohio, were searched by Special Agents of the FBI, who in turn related the following results to affiant:

Identification Records of the FBI on JOE SPAGANLO reflect that SPAGANLO was arrested in Cleveland, Ohio, on August 27, 1959, for possession of gambling devices. The disposition on this charge was a $100 fine and costs.

JOSEPH ANTHONY SPAGANLO was arrested on April 6, 1970, for violation of Title 18, United States Code, Sections 1952, 2, and 371, Interstate Transportation in Aid of Racketeering—Gambling and Conspiracy. SPAGANLO entered a plea of guilty to the above charges in the United States District Court, Northern District of Ohio, on April 19, 1971, and was sentenced to five years probation and fined $5,000 on April 19, 1971. SPAGANLO is currently on probation.

On April 19, 1971, JOSEPH ANTHONY SPAGANLO further entered a plea of guilty in United States District Court, Cleveland, Ohio, under Rule 20, to an indictment returned on December 10, 1970, by United States Federal Grand Jury, Newark, New Jersey, charging SPAGANLO, with violation of Title 18, United States Code, Sections 1952, 1084, and 371. SPAGANLO was sentenced on April 19, 1971, to five years probation and $10,000 fine,

the probation to run concurrently with the Cleveland, Ohio, sentence.

Previous investigation in the above-mentioned case, which resulted in SPAGANLO's arrest on April 6, 1970, by Special Agents of the FBI, who in turn related the results of their investigation to affiant, show that SPAGANLO spends a great deal of time with SUZANNE VERES, who currently resides at 4958 Gate Moss Oval, North Ridgeville, Ohio.

ERNEST CHICKENO

C. Criminal records of the FBI and the Cleveland Police Department, Cleveland, Ohio, were searched by Special Agents of the FBI, and it was determined that no records could be found concerning ERNEST CHICKENO.

On October 2, 1972, a review of the Law Enforcement Automated Data System (LEADS) by affiant showed the following driver's license information for ERNEST CHICKENO: White, male, date of birth June 28, 1933. Of September 18, 1970, LEADS reveal that CHICKENO's address was 12520 Edgewater, Lakewood, Ohio. CHICKENO was described as: Brown hair, brown eyes, 5'7", 165 pounds, Social Security Number 269-28-0072.

Investigation by Special Agents of the FBI show CHICKENO's current address is Apartment 1621, 12900 Lake Avenue, Lakewood, Ohio.

RAYMOND PAUL VARA

D. Criminal records of the FBI and the Cleveland Police Department, Cleveland, Ohio, were searched by Special Agents of the FBI, who in turn related the following results to the affiant:

RAYMOND PAUL VARA, FBI Number 310 426 H, was arrested by the Youngstown Police Department, Youngstown, Ohio, on April 12, 1963; the charge was "Suspicion". Disposition was investigation and released.

On April 6, 1970, RAYMOND PAUL VARA was arrested and turned over to the United States Marshal's Office in Reno, Nevada, on a charge of Interstate Transportation of Gambling Equipment. No disposition was shown.

On April 6, 1970, RAYMOND PAUL VARA was arrested by the Sheriff's Office, Las Vegas, Nevada, on a charge of Interstate Transportation in Aid of Racketeering—Gambling. No disposition was shown.

RAYMOND VARA was arrested by the FBI on April 12, 1970 for violation of Title 18, Section 1952, Title 18, Section 371, Conspiracy—Interstate Transportation in Aid of Racketeering—Gambling. VARA pled guilty in United States District Court, Cleveland, Ohio, to the above charges, and on April 19, 1971, was sentenced to five years probation and $5,000. VARA is currently on probation. (This is in connection with the same case in which JOSEPH ANTHONY SPAGANLO also pled guilty for violation of Title 18, Section 371. See Page 45 of this affidavit.)

GEORGE M. FLOREA

E. On October 3, 1972, the Record Bureau of the Canton, Ohio, Police Department, made available to the affiant a Federal Bureau of Investigation arrest record of GEORGE FLOREA, FBI Number 28 88 609.

Canton, Ohio, Police Department records show FLOREA as a white male, date of birth August 28, 1920, in Canton, Ohio. FLOREA's arrest record dates back to May 7, 1940, when he was arrested for "illegal train riding" through March 25, 1969. Arrests were primarily as follows:

On April 7, 1944, GEORGE M. FLOREA was arrested by the Canton Police Department, Canton, Ohio, on "Suspicion of Breaking and Larceny."

On June 26, 1944, FLOREA was sentenced to 1-15 years in the Ohio State Penitentiary.

On March 19, 1959, FLOREA was arrested by the United States Marshal's Office, Cleveland, Ohio, on a

charge of passing counterfeit money. FLOREA was found not guilty November 19, 1959.

On September 17, 1960, FLOREA was arrested by the Police Department in Sharon, Pennsylvania, for burglary and was sentenced to 18 years in the Western Penitentiary.

Investigation by Special Agents of the FBI reveal that FLOREA currently resides at 204 Broad Avenue, Northwest, Canton, Ohio.

SUZANNE VERES

F. Criminal records of the FBI and the Cleveland Police Department, Cleveland, Ohio, were searched by Special Agents of the FBI, and no records could be located concerning SUZANNE VERES.

Previous investigation by Special Agents of the FBI in connection with JOE SPAGANLO concerning violation of Title 18, Section 1952, has disclosed that JOE SPAGANLO maintains a close relationship with SUZANNE VERES, who currently resides at 4958 Gate Moss Oval, North Ridgeville, Ohio.

3. SURVEILLANCES ESTABLISHING CONTACT OF AL KOTOCH, JOSEPH SPAGANLO, ERNEST CHICKENO WITH ONE ANOTHER, AND WITH SUZANNE VERES

A. The following surveillances of AL KOTOCH were conducted by affiant and other Special Agents of the FBI, concerning ALBERT KOTOCH, JOSEPH A. SPAGANLO, ERNEST L. CHICKENO, GEORGE FLOREA, RAYMOND PAUL VARA, and SUZANNE VERES, in early March, 1972, through October, 1972, with the following results:

On March 17, 1972, Special Agents of the FBI observed AL KOTOCH and JOE SPAGANLO in the company of two other unknown white males seated at a table in the Theatrical Restaurant, 711 Vincent Street, Cleveland. On this date, AL KOTOCH was driving a black Cadillac,

bearing 1971 Ohio license (1) 4269, an Ohio automobile dealer's license plate. A review of Law Enforcement Automated Data System by Special Agents of the FBI, show this plate registered to Dealer's Outlet, Inc., 27105 Lorain Road, North Olmsted, Ohio.

On June 2, 1972, AL KOTOCH was observed by Special Agents of the FBI driving a dark brown over light Oldsmobile bearing 1972 Ohio license (45) 2864, which was an Ohio automobile dealer's license plate.

A review of the Law Enforcement Automated Data System, hereinafter referred to as LEADS, reveals dealer's license 2864 is listed to Dealer's Outlet, Inc., 27105 Lorain Road, North Olmsted, Ohio.

On June 8, 1972, AL KOTOCH was observed by Special Agents of the FBI driving a white Buick Electra, two door hardtop, with 1972 Ohio license (45) 2864, which is an Ohio automobile dealer's license plate. KOTOCH was observed on this date entering the Carlyle Apartment Building, 12900 Lake Avenue, Lakewood, Ohio. KOTOCH parked his automobile in the basement garage which he gained access to through the use of an electronic key lock which prior investigation revealed is normally issued only to occupants of Carlyle Apartments.

On June 9, 1972, AL KOTOCH was observed driving a white Buick Electra 225 bearing 1972 Ohio license plate (45) 2864. KOTOCH was again observed entering the Carlyle Apartments.

On September 12, 1972, it was noted that a two-tone brown late model Cadillac El Dorado, bearing 1972 Ohio dealer's plates (27) 2864, was parked in an apartment complex at 25151 Brookpark Road, North Olmsted, Ohio. This automobile was observed by Special Agents of the FBI to have been driven recently by AL KOTOCH.

On September 11, 1972, at 10:24 AM, the same two-tone brown Cadillac convertible as mentioned above, bearing dealer's plates (27) 2864, and occupied by AL KOTOCH and an unknown white male described as 5'8", 180 pounds, with long brown hair, arrived in the parking lot at 25151 Brookpark Road, North Olmsted, Ohio. AL KOTOCH departed the automobile and went into the

apartment at 25151 Brookpark Road, and the unknown white male departed in KOTOCH's automobile.

On September 13, 1972, at 9:50 AM, affiant observed a two-tone Cadillac El Dorado bearing Ohio license (27) 2864 parked in the parking lot of the apartment complex at 25151 Brookpark Road, North Olmsted, Ohio, at 11:22 AM. Upon approaching the door at Apartment 512 at 25151 Brookpark Road, North Olmsted, Ohio, affiant heard the sound of conversation from within the apartment. One male voice identified by affiant as that of AL KOTOCH was talking, "Pittsburgh over (*Unintelligible*) (*Unintelligible*), over (*Unintelligible*)," "several numbers, and 2 for 5." Then (*Unintelligible*) "over Kent." "25 gees less two." "90 dollars?" Affiant observed AL KOTOCH departing in the above-mentioned Cadillac from the apartment house at 25151 Brookpark Road, North Olmsted, Ohio, at approximately 2:31 PM, September 13, 1972. No other individuals were observed to use Apartment 512 during the course of the surveillance.

On September 20, 1972, AL KOTOCH was observed departing from the front area of Carlyle Apartments, 12900 Lake Avenue, Lakewood, Ohio, at 10:30 AM, driving a two-tone blue late model Ford Thunderbird, bearing Ohio license (11) 2864. At 1:00 PM, the above-mentioned Thunderbird was noted in the parking lot at 25151 Brookpark Road, North Olmsted, Ohio. A Special Agent of the FBI advised affiant that he stopped at the door of Apartment 512 and heard a male voice calling out a series of small numbers. At 2:40 PM, September 20, 1972, AL KOTOCH was observed leaving Apartment 512. No other individuals were noted at the apartment during the time of the surveillance and subsequent to KOTOCH's departure from Apartment 512, Special Agents of the FBI rang the doorbell of the apartment and no one responded.

A series of spot checks by affiant from September 13, 1972, to October 9, 1972, at Apartment 512 at 25151 Brookpark Road, North Olmsted, Ohio, during odd hours of the evening and on weekends have disclosed to affiant that when AL KOTOCH is not known to be present at Apartment 512, there appears to be no other occupant at Apartment 512.

On September 22, 1972, at 9:28 AM, AL KOTOCH was observed by Special Agents of the FBI in a two-tone Thundrebird as described above bearing dealer's plate (11) 2864, which was parked in the parking lot at 25151 Brookpark Road, North Olmsted, Ohio, and was seen by Special Agents of the FBI departing the automobile and enter 25151 Brookpark Road. Later checks by Special Agents of the FBI at Apartment 512, 25151 Brookpark Road, revealed a male voice from within the apartment calling off a series of small numbers. At 1:45 PM, September 22, 1972, Special Agents of the FBI observed AL KOTOCH depart Apartment 512. Special Agents of the FBI rang the doorbell of the apartment subsequent to KOTOCH's departure and there was no answer. KOTOCH was observed by Special Agents to proceed directly from 25151 Brookpark Road to Dealer's Outlet, Inc., Auto Sales, 27105 Lorain Road, North Olmsted, Ohio, and KOTOCH was later observed by Special Agents of the FBI in the company of JOE SPAGANLO.

On September 25, 1972, AL KOTOCH was observed by Special Agents of the FBI to park in the parking lot at 25151 Brookpark Road, North Olmsted, Ohio, at 10:41 AM, and was observed to proceed into Apartment 512. A spot check by Special Agents of the FBI on this date determined that KOTOCH's two-tone blue Thunderbird was still parked in the parking lot of 25151 Brookpark Road, North Olmsted, Ohio, at 1:01 PM.

At no time throughout the course of the above-mentioned surveillances did Special Agents of the FBI observe AL KOTOCH engaged in any activity which would indicate a place of steady employment other than Apartment 512, 25151 Brookpark Road, North Olmsted, Ohio.

On October 15, 1972, at 12:02 PM, affiant observed a two-tone black, late model Cadillac, four-door sedan, bearing current Ohio license (2864), parked in the parking lot of 25151 Brookpark Road, North Olmsted, Ohio. This being the same automobile AL KOTOCH was observed in by affiant during the week of October 9, 1972, through October 13, 1972. Affiant approached the door to Apartment 512, and heard activity from within the apartment, that is, a radio and a male voice.

At 3:20 PM when affiant checked the parking lot at 25151 Brookpark Road, North Olmsted, Ohio, on October 15, 1972, the automobile described above was gone. No one responded when the affiant rang the doorbell at Apartment 512.

On October 10, 1972, October 11, 1972, October 15, 1972, and October 18, 1972, AL KOTOCH was observed by Special Agents of the FBI at 25151 Brookpark Road, North Olmsted, Ohio. Further on October 10, 1972, and October 19, 1972, AL KOTOCH was observed at the Dealer Outlet where he remained only a short time. On October 10, 1972, AL KOTOCH was observed in the company of JOE SPAGANLO.

B. The following surveillances of JOSEPH SPAGANLO were conducted by affiant and other Special Agents of the FBI from September 13, 1972, through October, 1972:

During the course of physical surveillances by Special Agents of the FBI on September 13, 1972, September 21, 1972, September 22, 1972, and September 25, 1972, SPAGANLO was observed in and out of Dealer's Outlet, Inc., 27105 Lorain Road, North Olmsted, Ohio, at various times during the day.

On September 21, 1972, and September 25, 1972, during the course of surveillances by Special Agents of the FBI, JOSEPH SPAGANLO was observed in the company of ERNEST CHICKENO at Noon, Dealer's Outlet, Inc., 27105 Lorain Road, North Olmsted, Ohio.

On September 22, 1972, during the course of surveillances by Special Agents of the FBI, SPAGANLO was observed in the company of AL KOTOCH at 1:49 PM.

On October 11, 1972, at 1:35 PM, Special Agents of the FBI observed JOE SPAGANLO in his black over gray late model Cadillac bearing dealer plates (2) 2864, at East 6th and Superior Avenue, Cleveland, Ohio. SPAGANLO's automobile was stopped by a traffic light. SPAGANLO was glancing at a copy of the Ohio State Sports News which had "line" information written upon it, as well as referring to an orange colored sports information sheet.

At no time during the above-mentioned surveillances of JOE SPAGANLO at Dealer's Outlet, 27105 Lorain, North Olmsted, Ohio, was SPAGANLO observed by Special Agents of the Federal Bureau of Investigation to be acting in the capacity of an employee, that is, showing used cars to customers or making auto sales.

C. Surveillances of Dealer's Outlet, 27105 Lorain Road, North Olmsted, Ohio, were conducted by Special Agents of the FBI with the following results:

Surveillances were conducted of Dealer's Outlet, Inc., 27105 Lorain, North Olmsted, Ohio, on September 13, 1972, September 18, 1972, September 22, 1972, and September 25, 1972, and October 5, 1972, revealing that JOE SPAGANLO generally entered Dealer's Outlet, Inc. around early afternoon and remained at Dealer's Outlet for most of the afternoon.

On September 18, 1972, ERNEST CHICKENO and AL KOTOCH were observed together in the vicinity of Dealer's Outlet, Inc., North Olmsted, Ohio.

On September 4, 1972, and September 18, 1972, AL KOTOCH was observed in the company of JOE SPAGANLO in the immediate vicinity of Dealer's Outlet, Inc., 27105 Lorain, North Olmsted, Ohio.

On September 22, 1972, and September 25, 1972, SUZANNE VERES was observed in the company of JOE SPAGANLO at Dealer's Outlet.

On September 25, 1972, it was noted that SUZANNE VERES arrived at Dealer's Outlet at 1:33 PM and went to an office located in the back of Dealer's Outlet, where she spent the afternoon until 4:10 PM when the surveillance was terminated.

On October 10, 1972, October 17, 1972, October 18, 1972, and October 19, 1972, a surveillance was conducted by Special Agents of the FBI on Dealer's Outlet, Inc., 27105 Lorain, North Olmsted, Ohio. During the surveillance, the following observations were made:

On October 10, 1972, JOE SPAGANLO was observed in the company of ERNEST CHICKENO.

On October 18, 1972, ERNEST CHICKENO was observed by Special Agents of the FBI to arrive at Dealer's Outlet at 11:02 AM and depart at 11:39 AM.

On October 19, 1972, AL KOTOCH was observed at Dealer's Outlet at 3:27 PM in the company of JOE SPAGANLO and AL KOTOCH was not observed leaving, nor was he observed at 2:30 PM on October 19, 1972, when a spot check was made.

On October 19, 1972, ERNEST CHICKENO was observed at Dealer's Outlet during morning hours, however, he was present only briefly. None of the above surveillances by Special Agents indicates that JOE SPAGANLO or ERNEST CHICKENO are actually employed at Dealer's Outlet selling autos.

D. Surveillances of ERNEST CHICKENO were conducted by Special Agents of the FBI, and affiant with the following results:

a) On September 18, 1972, and September 31, 1972, and October 4, 1972, ERNEST CHICKENO was observed by Special Agents of the FBI in the company of AL KOTOCH.

b) On September 21, 1972, and September 25, 1972, ERNEST CHICKENO was observed in the office of JOE SPAGANLO. On both occasions, CHICKENO was observed in the office of JOE SPAGANLO at Dealer's Outlet, Inc., 27105 Lorain Road, North Olmsted, Ohio.

c) Surveillances conducted on CHICKENO on September 13, 1972, September 19, 1972, September 21, 1972, indicate that ERNEST CHICKENO generally did not leave his apartment, Apartment 1621, 12900 Lake Avenue, Lakewood, Ohio, until sometime around early afternoon, that is, between Noon and 2 o'clock. Activities noted on various days were as follows:

On September 13, 1972, and September 19, 1972, CHICKENO left the apartment house at 12900 Lake, Lakewood, Ohio, at 12:50 PM. CHICKENO drove directly to the vicinity of 6710 Detroit and entered Lou's Furniture Store carrying a small handful of assorted papers. Lou's Furniture Store is owned and operated by LOUIS and SANFORD GLASSMAN, both of whom reside in Cleveland, Ohio, and both of whom are currently under indictment in Los Angeles, California, for violation of Title 18, Section 1084, United States Code

—Interstate Transportation of Wagering Information. Further, as a result of information provided by Special Agents of the FBI, who were investigating the gambling operation in Los Angeles, California, which involved LOUIS and SANFORD GLASSMAN, an affidavit for a search warrant for a search of AL KOTOCH and his premises at Apartment 1005, 12000 Edgewater, Lakewood, Ohio, was obtained with the results as set forth on page 24.

On both September 13, 1972, and September 19, 1972, CHICKENO remained in Lou's Furniture Store for only a few minutes.

On September 21, 1972, CHICKENO left his apartment at 12900 Lake, Lakewood, Ohio, at 1:25 PM and went to the Pyramid Cafe, 2637 Scranton Avenue, Cleveland, Ohio, where he entered carrying a handful of white envelopes.

The Pyramid Cafe, 2637 Scranton Avenue, is owned and operated by CHESTER OBLOCK, known through previous investigation by Special Agents of the FBI as an associate of gamblers and bookmakers in the Cleveland, Ohio, area, including JOE SPAGANLO.

On September 22, 1972, CHICKENO was observed by Special Agents of the FBI departing his Apartment, 1621, 12900 Lake Avenue, Lakewood, Ohio, at 1:10 PM and proceeding to Harvey's Hide-Away Lounge, 13915 Cedar Road, Shaker, Ohio. CHICKENO went into the lounge and remained for approximately one hour. Harvey's Hide-Away Lounge is known through previous investigation by Special Agents of the FBI as a popular meeting spot for gamblers and bookmakers in the Cleveland, Ohio, area.

At no time during the above-mentioned surveillances by Special Agents of the FBI, did CHICKENO appear to have any place of employment with which he was affiliated.

On October 10, 1972, JOE SPAGANLO was observed in the company of ERNEST CHICKENO.

On October 18, 1972, ERNEST CHICKENO was observed by Special Agents of the FBI to arrive at Dealer's Outlet at 11:02 AM and depart at 11:39 AM.

On October 19, 1972, ERNEST CHICKENO was observed at Dealer's Outlet during morning hours, however, he was present only briefly. None of the above surveillances by Special Agents indicates that JOE SPAGANLO or ERNEST CHICKENO are actually employed at Dealer's Outlet selling autos.

D. On September 29, 1972, Special Agents of the FBI conducted surveillances of RAYMOND VARA in Las Vegas and determined that VARA left his residence in the early morning hours, drove in his automobile in a circuitous route, and stopped at a public telephone after obvious attempts to lose any individual who was following him. Special Agents related to affiant that VARA placed a telephone call of some two minutes duration. Subpoenas issued to the Central Telephone Company, Las Vegas, Nevada, for the records of the public telephones VARA used to place calls show that VARA called telephone number 216/777-2238 in Westlake, Ohio, on September 29, 1972 for a duration of two minutes.

Records of the Ohio Bell Telephone Company, Cleveland, Ohio, reflect that telephone number 216/777-2238 is subscribed to People's Acceptance Corporation, 27105 Lorain. Haines Criss-Cross Directory for Cleveland, Ohio, and vicinity 1971, indicates that 27105 Lorain is the address for Dealer's Outlet, Inc., and People's Acceptance Corporation; the other telephone listed to this address is 777-7900.

During the course of the above-mentioned telephone call placed to 777-2238, VARA was overheard to say "Notre Dame . . ." and later "6½ and 7".

E. Surveillances of GEORGE FLOREA were conducted by Special Agents of the FBI with the following results:

On October 4, 1972, and October 5, 1972, GEORGE FLOREA was not observed leaving his house at 204 Broad Avenue, Northwest, Canton, Ohio, until early afternoon.

Surveillances conducted by Special Agents of the FBI on October 20, 1972, October 24, 1972, and October 25, 1972, reflect that FLOREA generally does not leave his residence until at least mid-afternoon. FLOREA's activ-

ities, upn departing his residence by automobile, show no usual destination or pattern in his movements.

F. Surveillances of SUZANNE VERES were conducted by Special Agents of the FBI with the following results:

On September 27, 1972, October 2, 1972, and October 3, 1972, surveillances conducted on SUZANNE VERES indicate that SUZANNE VERES was at her residence, 4958 Gate Moss Oval, North Ridgeville, Ohio, during the morning hours and would generally leave her residence around early afternoon if at all.

On September 22, 1972, September 25, 1972, September 29, 1972, and October 3, 1972, SUZANNE VERES was observed at various times in the company of JOE SPAGANLO, either with him in his automobile, or at her residence, or at Dealer's Outlet, Inc. 27105 Lorain Road, North Olmsted, Ohio.

4. TOLL RECORDS REFLECTING ACCURACY OF SOURCE INFORMATION CONCERNING ABOVE-NAMED PERSONS:

A) In connection with the telephone numbers allegedly used by AL KOTOCH, ERNEST CHICKENO, and JOE SPAGANLO for bookmaking activities, the toll records of the Ohio Bell Telephone Company, Cleveland, Ohio, were reviewed by affiant, and other Special Agents of the FBI who related the results of their investigation to affiant:

a) Toll records of the Ohio Bell Telephone Company for telephone number 216/228-1495 listed to ERNEST CHICKENO at Apartment 1621, 12900 Lake, Lakewood, Ohio, for the period of June 29, 1972, to July 28, 1972, reflect the following telephone calls:

Twenty-eight (28) calls during the above period were made from 216/228-1495 to 216/823-5922, and eight (8) telephone calls were made to 216/832-8602. Both called numbers are listed to Ohio State Sports News, 1379 Lincoln Way, Massillon, Ohio. These telephone calls were

all made in the late morning hours and at least one call was made each day.

The Ohio State Sports News is owned and operated by ROBERT COMBS, who is a self-admitted sports handicapper.

Two calls were made from 216/228-1495 in the early afternoon hours to Elyria, Ohio, telephone number 216/327-4193. Records of Elyria Telephone Company in Elyria, Ohio, show this telephone is listed to SUZANNE VERES at 4958 Gate Moss Oval in North Ridgeville, Ohio.

A total of 17 calls were made to Cincinnati, Ohio, telephone numbers 513/242-6664 and 513/242-9918. Investigation conducted by Special Agents of the FBI, Cincinnati, Ohio, who in turn related the results of their investigation to affiant, reveals that both telephones are utilized by VANIS RAY ROBBINS, 320-322 Locust Street, Cincinnati, Ohio. ROBBINS is currently under indictment in Cincinnati for violation of Federal gambling laws, Title 18, United States Code, Sections 1952, 1084, and 371.

Thirty-four (34) telephone calls were made to Youngstown, Ohio, telephone number 216/792-3822. Previous investigation by Special Agents of the FBI indicated that telephone number 216/792-3822 is listed to TONY CHESINO, 10 Idlewood, Apartment 302. Investigation by Special Agents of the FBI reveals that TONY CHESINO is an alias used by one DOMINIC BUZZACO who is known from previous investigation by Special Agents of the FBI to be a bookmaker.

Thirty-three (33) telephone calls were made from 216/228-1495 to Youngstown, Ohio, to telephone number 216/759-9594. Records of the Ohio Bell Telephone Company reflect that this number is listed to CHARLES MOORE, 1198 Will-o-Wood Drive, Liberty Township, Ohio. CHARLES MOORE has been previously convicted for violation of Federal gambling laws.

In the same case as involved JOSEPH ANTHONY SPAGANLO and RAYMOND PAUL VARA, for violation of Title 18, Sections 1952, 2, and 371, CHARLES MOORE pled guilty to the above charges in United

States District Court, Cleveland, Ohio, on April 19, 1971, and received five years probation and was fined $5,000.

b) Toll records of the Ohio Bell Telephone Company for telephone number 216/221-3880, listed to ERNEST CHICKENO, Apartment 1621, 12900 Lake, Lakewood, Ohio, for the period June 3 through June 24, 1972, reflect the following information:

Five (5) calls were made from 216/221-3880 to 216/327-4193. Records of the Elyria, Ohio, Telephone Company show the latter number is listed to SUZANNE VERES, 4958 Gates Moss Oval, North Ridgeville, Ohio.

Six (6) telephone calls were made to Youngstown, Ohio, telephone number 216/792-3822. Previous investigation by Special Agents of the FBI indicated that telephone number 216/792-3822 was listed to TONY CHESINO, 10 Idlewood, Apartment 302. Investigation by Special Agents of the FBI reveals that TONY CHESINO is an alias used by one DOMINIC BUZZACO.

A total of seven (7) calls were made to Cincinnati, Ohio, telephone numbers 513/242-9918 and 513/242-6664. Investigation conducted by Special Agents of the FBI, Cincinnati, Ohio, who in turn related the results of their investigation to affiant, reveals that both telephones are utilized by VANIS RAY ROBBINS, 320-322 Locust Street, Cincinnati, Ohio.

A total of three (3) telephone calls were made to telephone number 216/832-8602 and 216/832-5922, both in Massillon, Ohio. Both call numbers are listed to Ohio State Sports News, 1379 Lincoln Way, Massillon, Ohio. Previous investigation by Special Agents of the FBI reveal that the Ohio State Sports News is owned and operated by ROBERT COMBS, who is a self-admitted sports handicapper.

On September 21, 1972, the records of Ohio Bell Telephone Company, Cleveland, Ohio, were reviewed by affiant, who noted that telephone number 216/221-3880 was shown as disconnected and no replacement telephone was issued. The toll records showed further that telephone number 216/228-1495 continued to be listed to ERNEST CHICKENO, Apartment 1621, 12900 Lake, Lakewood, Ohio.

c) Records of the Ohio Bell Telephone Company reflect telephone numbers 216/777-0850, 216/777-0851 are listed to RICHARD WELLMAN, Apartment 512, 25151 Brookpark Road, North Olmsted, Ohio. Investigation set out herein has shown that these telephones are utilized by AL KOTOCH. Toll records reflect the following calls for the period from August 24, 1972, to September 18, 1972. The records reflect further that telephone number 216/777-0850 and 216/777-0851 are considered as one telephone inasmuch as this is a group or rotary type system, that is, when one above-mentioned number is busy, the call will automatically go to the second above-mentioned number.

Thirteen (13) calls were made to Youngstown, Ohio, telephone number 216/759-9594 and four (4) calls to Youngstown, Ohio, telephone number 216/759-9311.

Records of the Ohio Bell Telephone Company, Youngstown, Ohio, reflect that these numbers are listed to CHARLES MOORE, 1198 Will-o-Wood Drive, Liberty Township, Ohio. MOORE has been previously convicted on April 19, 1971, for violation of Federal Gambling Laws, Title 18, Sections 1952, 2, and 371, and on April 19, 1971, received sentence of five years probation and $5,000 fine in United States District Court, Cleveland, Ohio.

A total of thirty-three (33) telephone calls, at least once each day, to Massilion, Ohio, telephone numbers 216/832-8602 and 832-5922. Public records in Canton, Ohio, reflect that these numbers are listed to the Ohio State Sports News, 1379 Lincoln Way, Massillon, Ohio. Previous investigation by Special Agents of the FBI reveals that the Ohio State Sports News is owned and operated by ROBERT COMBS, who is a well-known self-admitted sports handicapper.

A total of fourteen (14) calls to Cincinnati, Ohio, to telephone numbers 216/242-6664 and 242-9918. The subscriber to these numbers is VANIS RAY ROBBINS, 320-322 Locust Street, Cincinnati, Ohio. ROBBINS is currently under indictment in Cincinnati for violation of Federal gambling laws, Title 18, United States Code, Sections 1952 and 371.

A total of 51 calls to Youngstown, Ohio, telephone number 216/792-3822. Previous investigation by Special Agents of the FBI indicates that the above number is listed to TONY CHESINO, 10 Idlewood, Apartment 302. Further investigation reveals that TONY CHESINO is an alias used by DOMINIC BUZZACO, who is known by Special Agents of the FBI as a bookmaker.

Twenty-seven (27) calls to Elyria, Ohio, telephone number 327-4193. Records of the Elyria Telephone Company, Elyria, Ohio, show this number is listed to SUZANNE VERES, 4958 Gates Moss Oval, North Ridgeville, Ohio.

B. Concerning the telephones allegedly used by GEORGE FLOREA, records of the Ohio Bell Telephone Company, Canton, Ohio, reveal publicly listed telephone number 453-6114 is issued to ANNETTE FLOREA, 204 Broad Avenue, Northwest, Canton, Ohio, and is billed to GEORGE FLOREA at this address. Telephone number 452-1624 is listed to MARGARET DELERBA, 204 Broad Avenue, Northwest, Canton, Ohio.

a) Toll records for telephone number 453-6114 from the period of August 12 through August 25, 1972, reflect three telephone calls to Las Vegas, Nevada, telephone number 702/732-2602, and one telephone call to Las Vegas, Nevada, telephone number 702/734-2415.

b) Toll records from telephone number 452-1624 for the period from August 11 through September 4, 1972, reflect eight telephone calls to telephone number 702/732-2602, and five calls to Las Vegas, Nevada, telephone number 702/734-2415. Toll records for the above-mentioned period of August 11 through September 4, 1972, also show two telephone calls to Cleveland, Ohio, telephone number 216/228-3880, and one telephone call to Cleveland, Ohio, telephone number 216/228-1495, both telephones listed to ERNEST CHICKENO, Apartment 1621, 12900 Lake, Lakewood, Ohio.

c) Toll records for telephone number 452-1624 for August 11 through September 4, 1972, further reflect four telephone calls from the period of September 2 through September 4, 1972, to telephone number 216/777-0850, which number is listed to RICHARD WELLMAN,

Apartment 512, 25151 Brookpark Road, North Olmsted, Ohio, which previous investigation by Special Agents of the FBI has shown is utilized by AL KOTOCH.

A review of the toll records of the Central Telephone Company in Las Vegas, Nevada, by Special Agents of the FBI, who in turn, related to affiant the following information:

702/732-2602 and 702/734-2415 are telephone numbers currently assigned to RAYMOND VARA, 1674 Seneca Lane, Las Vegas, Nevada. These numbers are billed to Post Office Box 15308, Las Vegas, Nevada.

A review of the toll records of telephone number 734-2415 by Special Agents of the FBI from the period September 2, 1972, to September 30, 1972, reflect the following calls:

Three telephone calls to Canton, Ohio, telephone number 452-1624, which is utilized by GEORGE FLOREA, 204 Broad Avenue, Canton, Ohio.

C. Concerning the telephone subscribed to by SUZANNE VERES, the Elyria Telephone Company, Elyria, Ohio, advised that SUZANNE VERES, 4958 Gate Moss Oval, North Ridgeville, Ohio, maintains telephone number 216/327-4193 in her residence.

Toll records for the period August 26 through September 17, 1972, reflect two calls to 216/228-1495, which is the telephone listed to ERNEST CHICKENO, Apartment 1621, 12900 Lake, Lakewood, Ohio; eight telephone calls to 216/777-0850, which telephone is listed to RICHARD WELLMAN, Apartment 512, 25151 Brookpark Road, North Olmsted, Ohio, which investigation by Special Agents of the FBI has shown is utilized by AL KOTOCH; seven telephone calls to 216/777-7900.

On September 21, 1972, affiant reviewed the toll records of the Ohio Bell Telephone Company, Cleveland, Ohio, and from these records it was determined that the 216/777-7900 and 216/777-2238 are both listed to Dealer's Outlet, Inc., Auto Sales (People's Acceptance Corporation), 27105 Lorain Road, North Olmsted, Ohio.

5. PROBABLE CAUSE BASED ON INVESTIGATION AND INFORMANT INFORMATION REGARDING TELEPHONE NUMBERS (216) 777-0850 AND (216) 777-0851, USED BY AL KOTOCH IN HIS BOOKMAKING OPERATION.

A. Investigation has shown that ALBERT KOTOCH, JOSEPH A. SPAGANLO, ERNEST L. CHICKENO, RAYMOND PAUL VARA, GEORGE M. FLOREA, SUZANNE VERES, are involved in a bookmaking operation in violation of Federal Illegal Gambling Statute, Title 18, Section 1955, United States Code.

a) Surveillances by Special Agents of the FBI on September 11, 12, 13, 20, 22, and 25, 1972, through October, 1972, were conducted on AL KOTOCH, and generally show that KOTOCH departs his residence, 12000 Edgewater, Lakewood, Ohio, around 9:30 to 10:30 AM, in an auto bearing Ohio dealer license 2864, the type of auto varying from week to week, and driving to 25151 Brookpark Road, North Olmsted, Ohio. Surveillances then place KOTOCH in Apartment 512, at 25151 Brookpark Road, North Olmsted, Ohio. Surveillances also reveal that KOTOCH is using the apartment for accepting or placing bets, inasmuch as a Special Agent of the FBI and affiant, overheard a male voice, identified as that of KOTOCH engaged in a bookmaking conversation.

During the course of surveillances at Apartment 512, 25151 Brookpark Road, North Olmsted, Ohio, no activity was ever noted in the apartment, nor would any person respond to the doorbell after KOTOCH departed Apartment 512.

b) The records of Ohio Bell Telephone Company reflect that 777-0850 and 777-0851 are telephone numbers listed to RICHARD WELLMAN, Apartment 512, 25151 Brookpark Road, North Olmsted, Ohio. The records further reflect telephone number 777-3850 listed to the same person at the same address.

The Ohio Bell Telephone Company records further reflect that 777-0850 and 777-0851 are considered one telephone inasmuch as this is a group on a rotary-type sys-

tem, that is, when one above-mentioned number is busy, the call will automatically go to the other number.

Previous investigation conducted by Special Agents of the FBI reflect that the name RICHARD WELLMAN is non-existant at the above address. This name was used at one time by JOSEPH SPAGANLO to disguise the true subscriber to SPAGANLO's telephone numbers.

c) As set forth above, reliable sources have advised as recently as November 27, 1972, that AL KOTOCH is still involved in bookmaking and uses telephone number (216) 777-0850.

d) Toll records for the month of September, 1972, reflect numerous long distance calls to known gambling figures throughout the State of Ohio.

6. PROBABLE CAUSE BASED ON INVESTIGATION AND INFORMANT INFORMATION REGARDING TELEPHONE NUMBERS (216) 453-6114 AND (216) 452-1624 USED BY GEORGE FLOREA IN HIS BOOKMAKING OPERATION.

A. Investigation has shown that ALBERT KOTOCH, JOSEPH A. SPAGANLO, ERNEST L. CHICKENO, RAYMOND PAUL VARA, GEORGE M. FLOREA, and SUZANNE VERES, are involved in a bookmaking operation, in violation of Federal Illegal Gambling Statute, Title 18, Section 1955, United States Code.

a) Reliable sources have advised as recently as November 27, 1972, that GEORGE FLOREA is involved with the above-mentioned individuals in bookmaking and utilizes his home telephone numbers (216) 453-6114 and (216) 452-1624 in his activities.

b) Surveillances by Special Agents of the FBI through October 24, 1972, were conducted on GEORGE FLOREA and generally show that FLOREA does not depart his residence until early afternoon, with no fixed pattern in his travels when he did depart his residence.

c) Toll records for telephone numbers (216) 453-6114 and (216) 452-1624 reflect numerous calls to RAYMOND PAUL VARA in Las Vegas, Nevada, as well as to telephone number (216) 777-0850 listed to RICHARD

WELLMAN, Apartment 512, 25151 Brookpark Road, North Olmsted, Ohio, in which previous investigation set forth herein has shown telephone number utilized by AL KOTOCH solely for bookmaking activities.

Toll records for FLOREA for telephone number 452-1624 were reviewed by Special Agents of the FBI on October 18, 1972, and show the following telephone calls for the period of September 7 through September 27, 1972:

Five (5) telephone calls to Westlake, Ohio, Telephone Number (216) 777-0850.

Previous investigation set forth herein shows that this telephone is subscribed to by RICHARD WELLMAN, Apartment 512, 25151 Brookpark Road, North Olmsted, Ohio, and this telephone is used by AL KOTOCH for bookmaking activities.

Two (2) telephone calls to Youngstown, Ohio, telephone number 759-9594. Records of the Ohio Bell Telephone Company reflect that this number is listed to CHARLES MOORE, 1198 Will-o-Wood Drive, Liberty Township, Ohio. CHARLES MOORE has been previously convicted in violation of Federal gambling laws in the same case which involved JOSEPH ANTHONY SPAGANLO and RAYMOND PAUL VARA, that is, MOORE pled guilty to the charge of violation of Title 18, Sections 1952, 2, and 371. MOORE pled guilty to the above charges in United States District Court, Cleveland, Ohio, on April 19, 1971. MOORE received five years probation and was fined $5,000.

Toll records for telephone number (216) 453-6114, which is listed to ANNETTE FLOREA, 204 Broad Avenue, Canton, Ohio, were reviewed by Special Agents of the FBI, and show the following telephone calls for the period August 31, 1972, through September 24, 1972:

Thirteen (13) telephone calls to Westlake, Ohio, Telephone Number 777-0850. Previous investigation set forth herein shows that this telephone is subscribed to by RICHARD WELLMAN, Apartment 512, 25151 Brookpark Road, North Olmsted, Ohio, and this telephone is used by AL KOTOCH for bookmaking activities.

Two (2) telephone calls to Las Vegas, telephone number 732-2602. This telephone number through previous investigation is determined to be subscribed to by RAYMOND VARA, 1674 Seneca Lane, Las Vegas, Nevada. This number is billed to Post Office Box 15308, Las Vegas, Nevada.

VI. NEED FOR INTERCEPTION

A. Based upon the investigation set forth above, there is probable cause to believe that telephone numbers (216) 777-0850 and (216) 777-0851, located at Apartment 512, 25151 Brookpark Road, North Olmsted, Ohio, telephone numbers (216) 453-6114, and (216) 452-1624 located at 204 Broad Street, Canton, Ohio, are being used by ALBERT KOTOCH, ERNEST CHICKENO, JOSEPH A. SPAGANLO, RAYMOND P. VARA, GEORGE M. FLOREA and SUZANNE VERES in furtherance of an illegal bookmaking operation in violation of Federal Illegal Gambling Statutes, Title 18, United States Code, Section 1955.

B. The informants named herein have said that they will not testify to the information that they have produced, inasmuch as they fear for the safety of themselves and their families.

C. My experience, and the experience of other Special Agents, has shown that even though gambling customers are identified, they are often unwilling to furnish information to law enforcement Agents or officials inquiring into gambling activities. Experience has further established that even though telephone toll records are available which indicate a person is engaged in illegal gambling, the records themselves are not sufficient to prove gambling activities. Standard investigative techniques have not succeeded in providing evidence to sustain prosecution in this case and would only succeed to a limited degree in establishing that others as yet unknown, are involved in an illegal gambling business. Furthermore, such investigative techniques as physical surveillance and examination of the records failed to gather the evidence necessary to sustain prosecution for violation of the offenses enumerated above, and reasonably appear unlikely

to succeed; that an order from this court should ensue to intercept wire communications from telephone numbers (216) 777-0850, (216) 777-0851, (216) 453-6114, and (216) 452-1624, that will not terminate upon the first interception that reveals the manner in which ALBERT KOTOCH, JOSEPH A. SPAGANLO, ERNEST L. CHICKENO, RAYMOND PAUL VARA, GEORGE M. FLOREA, SUZANNE VERES and others as yet unknown, participate in the illegal gambling business, but continue until interception reveals the identities of confederates of ALBERT KOTOCH, JOSEPH A. SPAGANLO, ERNEST L. CHICKENO, RAYMOND PAUL VARA, GEORGE M. FLOREA, and SUZANNE VERES, and others as yet unknown, their places of operation and the nature of the conspiracy involved herein or for a period of 15 days from the date of the order, whichever is earlier.

In the case of JOSEPH ANTHONY SPAGANLO, application was made by Special Agents of the FBI on October 2, 1969, and approved in United States District Court, Cleveland, Ohio, for a court ordered interception of wire communications on telephone numbers 241-6162, 241-6639, 696-4085, 861-4756, 781-1587 and 781-1996, all located at 3046 West 25th Street, Cleveland, Ohio, and used by JOSEPH A. SPAGANLO and others in violation of Title 18, United States Code, Sections 1952, 1084, and 371. This interception was terminated on October 17, 1969. As a result of evidence obtained from this interception an indictment was returned by U.S. Federal Grand Jury, Cleveland, Ohio, on JOSEPH A. SPAGANLO for seven counts of violation of Sections 1952, 2, and 371—Interstate Transportation in Aid of Racketeering—Gambling; Conspiracy to Violate. On April 19, 1971, JOSEPH A. SPAGANLO entered a plea of guilty in U.S. District Court, Northern District of Ohio to violation of Title 18, Section 371, Conspiracy to violate 1952 and was sentenced on April 19, 1971, to five years probation and $5,000 fine.

In the case of RAYMOND PAUL VARA, application was made by Special Agents of the FBI on November 6, 1969, for a court ordered interception on telephone num-

bers 792-8430 and 792-8321, listed to NELLO RONCI, 1218 South Meridian Road, Youngstown, Ohio. These telephones were used by RONCI and RAYMOND PAUL VARA for their bookmaking activities in connection with JOSEPH A. SPAGANLO. The interception was terminated on November 21, 1969, and as a result the evidence obtained from the above interception led to an indictment returned by U.S. Federal Grand Jury against RAYMOND PAUL VARA, and on April 19, 1971, VARA entered a plea of guilty in U.S. District Court, Cleveland, Ohio, to violation of Title 18, United States Code, Sections 371 Conspiracy to violate Section 1952 and was sentenced on April 19, 1971, to five years probation and $5,000 fine.

No other application or authorization other than that set forth above to intercept wire or oral communications for any of the above subjects, telephone numbers or premises is known to have been made.

Not Signed

RICHARD L. AULT, JR.
Special Agent
Federal Bureau of Investigation

Sworn to before me, and subscribed in my presence, November 28, 1972,

/s/ Frank J. Battisti
United States District Judge

ORDER

[Filed November 28, 1972]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN THE MATTER OF THE APPLICATION OF THE UNITED STATES FOR THE INTERCEPTION OF WIRE COMMUNICATIONS

ORDER AUTHORIZING INTERCEPTION OF WIRE COMMUNICATIONS

TO: Federal Bureau of Investigation
Department of Justice

Application under oath having been made before me by Steven R. Olah, an attorney with the Organized Crime and Racketeering Section, Department of Justice, and an "investigative or law enforcement officer" as defined in Section 2510(7) of Title 18, United States Code, for an Order authorizing the interception of wire communications pursuant to Section 2518, United States Code, based on the facts disclosed by said application and on the affidavit and supporting documents attached thereto, I make the following findings:

(a) There is probable cause to believe that Albert Kotoch, Joseph Anthony Spaganlo, Ernest L. Chickeno, Raymond Paul Vara, George M. Florea, Suzanne Veres and others as yet unknown are committing, have committed and are about to commit and are conspiring to commit an offense enumerated in Section 2516 of Title 18, United States Code, to wit: conducting, financing, managing, supervising, directing, or owning all or part of an illegal gambling business which has been or remains in substantially

continuous operation for a period in excess of thirty days in violation of Title 18, United States Code, Section 1955, and Section 371 of Title 18, United States Code.

(b) There is probable cause to believe that communications concerning these offenses will be obtained through the interception, authorization for which is herein applied. In particular, communications will be intercepted concerning the placing and receiving of sports bets and action and the dissemination of "line" information.

(c) Normal investigative procedures reasonably appear to be unlikely to succeed if tried.

(d) There is probab'e cause to believe that the telephones numbered (216) 777-0850 and (216) 777-0851, both located at Apartment 512, 25151 Brookpark Road, North Olmsted, Ohio, and both subscribed to by Richard Wellman and the telephones numbered (216) 453-6114 subscribed to by Annette Florea and billed to George Florea and (216) 452-1624 subscribed to by Margret Delerba, both located at 204 Broad Avenue, Northwest, Canton, Ohio, have been used and are being used in connection with the commission of the above-described offenses by Albert Kotoch, Joseph Anthony Spaganlo, Ernest L. Chickeno, Raymond Paul Vara, George M. Florea, Suzanne Veres and others, as yet unknown.

WHEREFORE, it is hereby Ordered that:

Special Agents of the Federal Bureau of Investigation, United States Department of Justice, are authorized, pursuant to Application authorized by the Assistant Attorney General of the Criminal Division, the Honorable Henry E. Petersen, who has been specially designated by the Attorney General of the United States, the Honorable Richard G. Kleindienst, to exercise the power conferred on him by Section 2516 of Title 18, United States Code:

(1) To intercept wire communications of Albert Kotoch, Joseph Anthony Spaganlo, Ernest L. Chickeno, Raymond Paul Vara, George M. Florea, Suzanne Veres and others, as yet unknown concerning the above-described offenses to and from the telephones numbered (216) 777-0850 and (216) 777-0851, both located at Apartment 512, 25151 Brookpark Road, North Olmsted, Ohio, and both subscribed to by Richard Wellman and the telephones numbered (216) 453-6114 subscribed to by Annette Florea and billed to George Florea and (216) 452-1624 subscribed to by Margret Delerba, both located at 204 Broad Avenue, Northwest, Canton, Ohio.

(2) Such interceptions shall not automatically terminate when the types of communications described above in paragraph (b) have first been obtained, but shall continue until communications are intercepted which reveal the exact manner in which Albert Kotoch, Joseph Anthony Spaganlo, Ernest L. Chickeno, Raymond Paul Vara, George M. Florea, Suzanne Veres and others, as yet unknown participate in the conducting, financing, managing, supervising, directing or owning all or part of an illegal gambling business and which reveal the identities of their confederates and the nature of the conspiracy involved therein, or for a period of fifteen (15) days from the date of this order, whichever is earlier.

PROVIDED THAT, this authorization to intercept wire communications shall be executed as soon as practicable after signing of this order, shall be conducted in such a way as to minimize the interception of communications that are otherwise not subject to interception under Chapter 119 of Title 18 of the United States Code, and must terminate upon attainment of the authorized objective, or, in any event, at the end of fifteen (15) days from the date of this order, whichever is earlier.

PROVIDED ALSO, that Steven R. Olah shall provide the Court with a report on the sixth (6th) and tenth (10th) days following the date of this Order showing what progress has been made toward achievement of the authorized objective and the need for continual interception.

It is further ordered that the Ohio Bell Telephone Company, a communication common carrier as defined in Section 2510(10) of Title 18, United States Code, shall furnish the applicant forthwith all information, facilities and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services that such carrier is according the person whose communications are to be intercepted, the furnishing of such facilities or technical assistance by the Ohio Bell Telephone Company to be compensated for by the applicant at the prevailing rates.

/s/ Frank J. Battisti
United States District Judge

DATE November 28, 1972 at 9:52 a.m.

[Filed December 4, 1972]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN THE MATTER OF THE APPLICATION OF THE UNITED STATES OF AMERICA FOR THE INTERCEPTION OF WIRE COMMUNICATIONS

PROGRESS REPORT

Steven R. Olah, an attorney with the Organized Crime and Racketeering Section, of the United States Department of Justice respectfully submits this report showing what progress has been made toward the achievement of the authorized objective and need for continued interception:

1. On November 28, 1972, at approximately 10:00 a.m. upon application of Steven R. Olah, filed on November 28, 1972, an Order was signed by this Court authorizing interception of wire communications to and from telephones numbered (216) 777-0850, (216) 777-0851, (216) 452-1624 and (216) 453-6114. This report, filed on the sixth day following the date of the Order authorizing interception of wire communications and covering the first five days of interception is made in compliance with the terms of that Order and pursuant to the terms of 18 U.S.C. § 2518(6).

2. The progress toward achievement of the authorized objective is as follows:

a. November 28, 1972

(1) Telephone numbered (216) 777-0850—of 50 incoming calls all were monitored, and wagers totaling approximately $16,600 were accepted by an individual referred to as "Al" and Albert. Sports line information was disseminated by Albert during the course of almost every incoming call.

(2) Telephone numbered (216) 777-0851—of 38 incoming calls all were monitored and $6,060 in bets were received by Al.

(3) Telephone numbered (216) 452-1624—no calls were monitored.

(4) Telephone numbered (216) 453-6114—of ten outgoing calls one was monitored and the caller discussed owing $660 with the individual answering. In addition line information was discussed during this conversation.

b. November 29, 1972

(1) Telephone numbered (216) 777-0850—of 41 incoming calls all were monitored and $18,050 was wagered on basketball and football games.

(2) Telephone numbered (216) 777-0851—of 17 incoming calls 17 were monitored and approximately $1,200 in bets were taken.

(3) Telephone numbered (216) 452-1624—of ten incoming calls, ten were monitored; of eight outgoing calls, eight were monitored. A total of $1,600 was wagered and discussions of lay offs were overheard during these conversations.

(4) Telephone numbered (216) 453-6114—of 14 outgoing calls, 14 were monitored and approximately $2,500 in wagers were placed.

c. November 30, 1972

(1) Telephone numbered (216) 777-0850—33 incoming calls, all were monitored; in excess of $4,200 was wagered.

(2) Telephone numbered (216) 777-0851—14 incoming calls were monitored and all concerned gambling. In excess of $3,000 was wagered during the course of monitoring on this date. The individual answering the phone was referred to as Al, Albert or George.

(3) Telephone numbered (216) 452-1624—of nine incoming calls five were monitored; of 30 outgoing calls seven were monitored. During the course of interception in excess of $1,000 was wagered with the individual at (216) 452-1624.

(4) Telephone numbered (216) 453-6114—total of 27 outgoing calls and four incoming calls were made. No conversations were monitored inasmuch as they were all with regards to personal matters.

d. December 1, 1972

(1) Telephone numbered (216) 777-0850—of 63 incoming calls, 51 were monitored and of one outgoing call none were monitored. A total of $14,150 was wagered and in addition to wagers placed, most calls included discussions of line information and lay off activity.

(2) Telephone numbered (216) 777-0851—of 31 incoming calls, 31 were monitored and of one outgoing call one was monitored. Approximately $1,600 was wagered and in one call Al layed off $300 to "Jimmy".

(3) Telephone numbered (216) 452-1624—of 11 incoming calls 11 were monitored and of 35 outgoing calls 10 were monitored. A total of approximately $3,350 was wagered.

(4) Telephone numbered (216) 453-6114—of five incoming calls one was monitored and of eight outgoing calls one was monitored. Both of these monitored conversations concerned general discussion of wagering business, but no specific wagers were placed.

e. December 2, 1972

(1) Telephone numbered (216) 777-0850—of 151 incoming calls, 149 were monitored and of two outgoing calls both were monitored. In excess of $19,500 was wagered.

(2) Telephone numbered (216) 777-0851—of 68 incoming calls all were monitored and of two outgoing calls both were monitored. Bets totaling approximately $21,400 were placed.

(3) Telephone numbered (216) 452-1624—of 15 incoming calls ten were monitored; 54 outgoing calls, 21 were monitored. Wagers approximating $3,430 were placed and accepted.

(4) Telephone numbered (216) 453-6114—of seven incoming calls two were monitored and of 20 outgoing calls eight were monitored. Again, general discussions of gambling was overheard during these calls, but no specific wagers were placed or accepted.

3. Due to the fact that the gambling operation in question is an established business of a continuing nature, it is believed that additional communications of the same type as those described in paragraph 2 above, will continue to occur.

4. Continued interception is necessary for the following reasons:

(a) It appears that Al, of telephones numbered (216) 777-0850 and (216) 777-0851 uses a code system when placing his lay off wagers (for example, "deuce"). It appears that the bookmakers with whom he is laying off are familiar with that code, but it has not yet been ascertained by the monitoring agents. Until such facts are determined, it is not possible to approximate total gross handle with regards to lay offs.

(b) The identity of "Jim" and other bookmakers with whom Al is laying off has not positively been established.

(c) Five persons have not yet been placed in the gambling operation. This figure is necessary to constitute a Federal violation.

(d) There has yet to be lay off activity between Al Kotoch (at 777-0850 and 777-0851) and George Florea (at 452-1624 and 453-6114), two of the subjects of this interception.

(e) The great preponderance of telephone calls monitored at 777-0850 and 777-0851 are incoming calls. Outgoing telephone calls occur at a minimum and more outgoing calls need to be monitored in order to establish the identities of Kotoch's lay off bookmakers.

Respectfully submitted,

/s/ Steven R. Olah
STEVEN R. OLAH
Special Attorney
Criminal Division
U. S. Department of Justice

DATE December 4, 1972

[Filed December 8, 1972]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN THE MATTER OF THE APPLICATION OF THE UNITED STATES OF AMERICA FOR THE INTERCEPTION OF WIRE COMMUNICATIONS

PROGRESS REPORT #2

Steven R. Olah, an attorney with the Organized Crime and Racketeering Section, of the United States Department of Justice, respectfully submits this report showing what progress has been made toward the achievement of the authorized objective and need for continued interception:

1. On November 28, 1972, at approximately 10:00 a.m. upon application of Steven R. Olah, filed on November 28, 1972, an Order was signed by this Court authorizing interception of wire communications to and from telephones numbered (216) 777-0850, (216) 777-0851, (216) 452-1624 and (216) 453-6114. This report, filed on the tenth day following the date of the Order authorizing interception of wire communications and covering the first ten days of interception is made in compliance with the terms of that Order and pursuant to the terms of 18 U.S.C. § 2518(6).

2. The progress toward achievement of the authorized objective is as follows:

a. December 3, 1972

(1) Telephone numbered (216) 777-0850—of 112 incoming calls 106 were monitored, and one outgoing call was monitored; wagers totaling approximately $26,800 were accepted.

(2) Telephone numbered (216) 777-0851—of 53 incoming calls all were monitored and $28,750 in bets were placed.

(3) Telephone numbered (216) 452-1624—of 5 incoming calls, 3 were monitored; of 22 outgoing calls, 6 were monitored; a total of $1,200 in bets were noted.

(4) Telephone numbered (216) 453-6114—of 16 outgoing calls, one was monitored, since it concerned gambling business. No bets were noted during the monitoring period.

(b) December 4, 1972

(1) Telephone numbered (216) 777-0850—of 49 incoming all were monitored and $10,850 was wagered on sporting events.

(2) Telephone numbered (216) 777-0851—of 42 incoming calls, 40 were monitored; one outgoing call was monitored. Approximately $10,300 in bets were taken. One call was monitored to telephone number 1-327-4193, the residence of SUZANNE VERES. During that call, the caller had a discussion concerning gambling with an individual believed to be JOE SPAGANLO.

(3) Telephone numbered (216) 452-1624—of 17 incoming calls, 12 were monitored; of 33 outgoing calls, 20 were monitored. A total of $5,100 was wagered on seven bets.

(4) Telephone numbered (216) 453-6114—of 5 incoming calls, 4 were monitored; and of 34 outgoing calls, seven were monitored; and approximately $460 in wagers were placed.

(c) December 5, 1972

(1) Telephone numbered (216) 777-0850—50 incoming calls, 42 were monitored; $43,100 was wagered. During one conversation, one $4,000 lay-off was wagered by the person at this location.

(2) Telephone numbered (216) 777-0851—20 incoming calls were monitored and 19 concerned gambling; $6,800 was wagered during the course of monitoring on this date.

(3) Telephone numbered (216) 452-1624—of 12 incoming calls five were monitored; of 31 outgoing

calls, 10 were monitored. During the course of interception, approximately $7,400 was wagered.

(4) Telephone numbered (216) 453-6114—of 11 incoming, one was monitored. No bets were noted. No outgoing calls were monitored.

(d) December 6, 1972

(1) Telephone numbered (216) 777-0850—of 36 incoming calls, 36 were monitored. No outgoing calls were monitored. A total of $17,400 was wagered with AL KOTOCH.

(2) Telephone numbered (216) 777-0851—of 18 incoming calls, all were monitored and no outgoing calls were monitored. Approximately $5,300 was wagered.

(3) Telephone numbered (216) 452-1624—of 11 incoming calls, 7 were monitored and of 18 outgoing calls, 15 were monitored. One wager was noted, but the amount was not determined.

(4) Telephone numbered (216) 453-6114—of five incoming calls one was monitored and of six outgoing calls three were monitored. All of these monitored conversations concerned general discussion of wagering business, including discussion of line and lay-off, but no specific wagers were placed.

(e) December 7, 1972

(1) Telephone numbered (216) 777-0850—of 32 incoming calls, 32 were monitored and of two outgoing calls both were monitored. In excess of $1,300 was wagered. In addition, AL KOTOCH placed a call to bookmaker VANIS RAY ROBBINS in Cincinnati during which line information was discussed.

(2) Telephone numbered (216) 777-0851—of 14 incoming calls all were monitored and no outgoing calls were monitored. Bets totaling approximately $2,130 were placed.

(3) Telephone numbered (216) 452-1624—of 10 incoming calls 7 were monitored; of 13 outgoing calls, 11 were monitored. Wagers approximating $4,000 were made. During one outgoing call to 702-732-

2602, GEORGE FLOREA spoke to RAYMOND VARA in Las Vegas, Nevada and had a discussion concerning line information.

(4) Telephone numbered (216) 453-6114—of four incoming calls, none were monitored and of 2 outgoing calls, none were monitored. At 11:00 p.m. this date, monitoring of this telephone was terminated.

3. Due to the fact that the gambling operation in question is an established business of a continuing nature, it is believed that additional communications of the same type as those described in paragraph 2 above will continue to occur.

4. Continued interception is necessary for the following reasons:

(a) The identities of other bookmakers with whom AL KOTOCH deals have not yet been established.

(b) Five persons have not yet been placed in the gambling operation. This figure is necessary to constitute a Federal violation.

(c) There has yet to be lay off activity between AL KOTOCH (at 777-0850 and 777-0851) and GEORGE FLOREA (at 452-1624 and 453-6114), two of the subjects of this interception.

(d) The overwhelming majority of telephone calls monitored at 777-0850 and 777-0851 are incoming calls. Outgoing telephone calls occur at a minimum and more outgoing calls need to be monitored in order to establish the identities of KOTOCH's lay off bookmakers.

Respectfully submitted,

/s/ Steven R. Olah
STEVEN R. OLAH

DATE 12/8/72

[Filed December 26, 1972]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN THE MATTER OF THE APPLICATION OF THE UNITED STATES FOR AN ORDER AUTHORIZING THE CONTINUED INTERCEPTION OF WIRE COMMUNICATIONS

APPLICATION FOR EXTENSION

Steven R. Olah, an Attorney with the Organized Crime and Racketeering Section of the United States Department of Justice, being duly sworn states:

This sworn application is submitted in support of a request for an extension of the order authorizing the interception of wire communications. This application for an extension of the original order has been submitted only after lengthy discussion concerning the necessity for such an application with various officials of the Organized Crime and Racketeering Section, United States Department of Justice, Washington, D. C., together with Agents of the Federal Bureau of Investigation.

1. He is an "investigative or law enforcement officer —of the United States" within the meaning of Section 2510(7) of Title 18, United States Code, that is— he is an Attorney authorized by law to prosecute or participate in the prosecution of offenses enumerated in Section 2516 of Title 18, United States Code.

2. Pursuant to the power conferred on him by Section 2516 of Title 18, United States Code, the Attorney General of the United States, the Honorable Richard G. Kleindienst, has authorized this Application for an extension of the order authorizing the interception of wire communications. Attached to this Application as Exhibit A are the letter of notification of approval from the Assistant Attorney General of the Criminal Division, the Honorable Henry E. Petersen, and the memorandum of au-

thorization approved by the Attorney General of the United States, the Honorable Richard G. Kleindienst.

3(a) On November 28, 1972, an order was signed by Chief Judge Frank J. Battisti, U. S. District Court, Northern District of Ohio, Eastern Division, authorizing interception of wire communications on telephones numbered (216) 777-0850 and (216) 777-0851, located at 25151 Brookpark Road, Apartment 512, North Olmsted, Ohio, and telephones numbered (216) 452-1624 and (216) 453-6114, located at 204 Broad Avenue, N.W., Canton, Ohio. This order authorized interception of conversations involving Albert Kotoch, Joseph Anthony Spaganlo, Ernest L. Chickeno, Raymond Paul Vara, George M. Florea, Suzanne Veres, and others unknown at that time. Pursuant to this order, agents of the Federal Bureau of Investigation began intercepting conversations on November 28, 1972. Interception was terminated on telephone number (216) 453-6114 on December 7, 1972; and interception was terminated on telephones numbered (216) 777-0850, (216) 777-0851, and (216) 452-1624 on December 12, 1972.

3(b) This application, based upon the interception made pursuant to the order of November 28, 1972, signed by Chief Judge Frank J. Battisti, seeks authorization to continue interceptions over the telephones numbered (216) 777-0850 and (216) 777-0851. This application seeks authorization to intercept wire communication of Albert Kotoch, Joseph Anthony Spaganlo, Chuck (LNU), (FNU) Slyman, George M. Florea, and others as yet unknown concerning offenses enumerated in Section 2516 of Title 18, United States Code, that is—offenses involving the conducting, financing, managing, supervision, directing, or owning all or part of an illegal gambling business that violates the laws of the State of Ohio and violates Section 1955 of Title 18, United States Code, and are conspiring to commit such offenses in violation of Section 371 of Title 18, United States Code, which have been committed and are being committed by Albert Kotoch, Joseph Anthony Spaganlo, Chuck (LNU), (FNU) Slyman, George M. Florea, and others as yet unknown.

4. Section 803 of Title VIII, entitled Syndicated Gambling of the "Organized Crime Control Act of 1970", Public Law 91-452, 91st Congress, approved October 15, 1970, Amended Chapter 95, Title 18, United States Code, by adding a new section, Section 1955, Prohibition of Illegal Gambling Businesses. Section 801 of Title VIII of this Act contains special findings that illegal gambling involves widespread use of, and has an effect upon, interstate commerce and the facilities thereof.

5. The prohibited illegal gambling business described herein violates the laws of the State of Ohio, specifically one or more of the following sections: 2915.06, 2915.09, 2915.121, 2915.122, and 2915.14 of the Ohio Revised Code.

6. He has discussed all the circumstances of the above offenses with Special Agent Richard L. Ault, Jr., of the Cleveland, Ohio Office of the Federal Bureau of Investigation who has directed and conducted the investigation herein, and has examined the affidavit of Special Agent Ault (attached to this application as Exhibit B and incorporated by reference herein) which alleges the facts therein in order to show that:

(a) there is probable cause to believe that Albert Kotoch, Joseph Anthony Spaganlo, Chuck (LNU), (FNU) Slyman, George M. Florea, and others as yet unknown have committed and are committing offenses involving the conducting, financing, managing, supervising, directing, or owning all or part of an illegal gambling business in violation of Section 1955 of Title 18, United States Code, and are conspiring to commit such offenses in violation of Section 371 of Title 18, United States Code.

(b) there is probable cause to believe that particular wire communications of Albert Kotoch, Joseph Anthony Spaganlo, Chuck (LNU), (FNU) Slyman, George M. Florea, and others as yet unknown concerning these offenses will be obtained through the continued interception, authorization for which is applied for herein. In particular, these wire communications will concern the placing and receiving

of sports bets and action and the dissemination of "line" information.

(c) normal investigative procedures reasonably appear to be unlikely to succeed if tried.

(d) there is probable cause to believe that the telephones numbered (216) 777-0850 and (216) 777-0851, both located at Apartment 512, 25151 Brookpark Road, North Olmsted, Ohio, and both subscribed to by Richard Wellman, have been used and are being used by Albert Kotoch, Joseph Anthony Spaganlo, Chuck (LNU), (FNU) Slyman, George M. Florea, and others as yet unknown in connection with the commission of the above described offenses.

7. Two previous applications have been made to Judges for authorization to intercept wire communications involving persons, facilities, or places specified or mentioned in the application or its incorporated affidavits:

(a) Reference is made to "In The Matter of the Application of the United States for an Order Authorizing the Interception of Wire Communications", wherein the Honorable Frank J. Battisti, Chief Judge, Northern District of Ohio, on November 28, 1972, authorized the interception of certain wire communications involving three of the subjects and two of the facilities which are the subjects of the instant application;

(b) Joseph Anthony Spaganlo was a subject of interception of wire communications pursuant to an order signed by the Honorable Judge Frank J. Battisti on October 2, 1969, at 10:30 a.m., authorizing the interception of wire communications to and from the telephone numbers (216) 241-6162, (216) 241-6639, (216) 696-4085, (216) 861-4756, (216) 781-1587, and (216) 781-1996, all located on the second floor at 3064 West 25th Street, Cleveland, Ohio.

WHEREFORE, your applicant believes that probable cause exists to believe that Albert Kotoch, Joseph Anthonly Spaganlo, Chuck (LNU), (FNU) Slyman, George

M. Florea, and others as yet unknown are conducting, financing, managing, supervising, directing or owning all or part of an illegal gambling business involving five or more persons which has been or remains in substantially continuous operation for a period in excess of thirty days and violates the laws of the State of Ohio, and which therefore, is in violation of Section 1955 of Title 18, United States Code, and are conspiring to commit such offenses in violation of Section 371 of Title 18, United States Code; that Albert Kotoch, Joseph Anthony Spaganlo, Chuck (LNU), (FNU) Slyman, George M. Florea, and others as yet unknown have used, and are using, the telephones numbered (216) 777-0850 and (216) 777-0851 both located at Apartment 512, 25151 Brookpark Road, North Olmsted, Ohio, and both subscribed to by Richard Wellman in connection with the commission of the above-described offenses; that communications of Albert Kotoch, Joseph Anthony Spaganlo, Chuck (LNU), (FNU) Slyman, George M. Florea, and others as yet unknown concerning these offenses will be intercepted to and from the above-described telephones; and that normal invstigative procedures reasonably appear to be unlikely to succeed if tried.

On the basis of the allegations contained in this application, the affidavit of Special Agent Richard L. Ault, Jr., which is attached and made a part of this application, and the affidavit for the original order dated November 28, 1972, which is made a part of this affidavit, affiant requests that this court issue an order, pursuant to the power conferred on it by Section 2518 of Title 18, United States Code, authorizing the Federal Bureau of Investigation of the United States Department of Justice to continue to intercept wire communications to and from the above-described telephones, which interceptions shall not automatically terminate when the described types of communications have first been obtained, but shall continue until communications are intercepted which reveal the manner in which Albert Kotoch, Joseph Anthony Spaganlo, Chuck (LNU), (FNU) Slyman, George M. Florea, and others as yet unknown participate in the conducting, financing, managing, supervising, directing or

owning all or part of an illegal gambling business in violation of Title 18, United States Code, Section 1955 and the laws of the State of Ohio and which reveal the identities of their confederates, their places of operation, and the nature of the conspiracy involved therein, or for a period of fifteen (15) days from the date of that order, whichever is earlier.

It is further requested that this court issue an order pursuant to the power conferred on it by Section 2518 (4)(e) of Title 18, United States Code, directing that the Ohio Bell Telephone Company, a communication common carrier as defined in Section 2510(10) of Title 18, United States Code, shall furnish the applicant forthwith all information, facilities and technical assistance necessary to accomplish the continued interception unobtrusively and with a minimum of interference with the services that such carrier is according the person whose communications are to be intercepted, the furnishing of such facilities or technical assistance by the Ohio Bell Telephone Company to be compensated for by the applicant at the prevailing rates.

/s/ Steven R. Olah

Subscribed and sworn to before me this 26th day of December, 1972.

/s/ Leroy J. Contie, Jr.
United States District Judge

[Filed December 26, 1972]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN THE MATTER OF THE APPLICATION OF THE UNITED STATES FOR AN ORDER AUTHORIZING THE INTERCEPTION OF WIRE COMMUNICATIONS

APPLICATION

Steven R. Olah, an Attorney with the Organized Crime and Racketeering Section of the United States Department of Justice, being duly sworn states:

This sworn application is submitted in support of an order authorizing the interception of wire communications. This application has been submitted only after lengthy discussion concerning the necessity for such an application with various officials of the Organized Crime and Racketeering Section, United States Department of Justice, Washington, D. C., together with Agents of the Federal Bureau of Investigation.

1. He is an "investigative or law enforcement officer—of the United States" within the meaning of Section 2510(7) of Title 18, United States Code, that is—he is an Attorney authorized by law to prosecute or participate in the prosecution of offenses enumerated in Section 2516 of Title 18, United States Code.

2. Pursuant to the power conferred on him by Section 2516 of Title 18, United States Code, the Attorney General of the United States, the Honorable Richard G. Kleindienst has authorized this Application for an order authorizing the interception of wire communications. Attached to this Application as Exhibit A are the letter of notification of approval from the Assistant Attorney General of the Criminal Division, the Honorable Henry E. Petersen and the memorandum of authorization approved

by the Attorney General of the United States, the Honorable Richard G. Kleindienst.

3. This application seeks authorization to intercept wire communications of Albert Kotoch, Joseph Anthony Spaganlo, Chuck (LNU), (FNU) Slyman, George M. Florea, and others as yet unknown concerning offenses enumerated in Section 2516 of Title 18, United States Code, that is—offenses involving the conducting, financing, managing, supervision, directing, or owning all or part of an illegal gambling business that violates the laws of the State of Ohio and violates Section 1955 of Title 18, United States Code, and are conspiring to commit such offenses in violation of Section 371 of Title 18, United States Code, which have been committed and are being committed by Albert Kotoch, Joseph Anthony Spaganlo, Chuck (LNU), (FNU) Slyman, George M. Florea, and others as yet unknown.

4. Section 803 of Title VIII, entitled Syndicated Gambling of the "Organized Crime Control Act of 1970", Public Law 91-452, 91st Congress, approved October 15, 1970, Amended Chapter 95, Title 18, United States Code, by adding a new section, Section 1955, Prohibition of Illegal Gambling Businesses. Section 801 of Title VIII of this Act contains special findings that illegal gambling involves widespread use of, and has an effect upon, interstate commerce and the facilities thereof.

5. The prohibited illegal gambling business described herein violates the laws of the State of Ohio, specifically one or more of the following sections: 2915.06, 2915.09, 2915.121, 2915.122 and 2915.14 of the Ohio Revised Code.

6. He has discussed all the circumstances of the above offenses with Special Agent Richard L. Ault, Jr., of the Cleveland, Ohio Office of the Federal Bureau of Investigation who has directed and conducted the investigation herein, and has examined the affidavit of Special Agent Ault (attached to this application as Exhibit B and incorporated by reference herein) which alleges the facts therein in order to show that:

(a) there is probable cause to believe that Albert Kotoch, Joseph Anthony Spaganlo, Chuck (LNU), (FNU) Slyman, George M. Florea, and others as yet unknown have committed and are committing offenses involving the conducting, financing, managing, supervising, directing or owning all or part of an illegal gambling business in violation of Section 1955 of Title 18, United States Code and are conspiring to commit such offenses in violation of Section 371 of Title 18, United States Code.

(b) there is probable cause to believe that particular wire communications of Albert Kotoch, Joseph Anthony Spaganlo, Chuck (LNU), (FNU) Slyman, George M. Florea, and others as yet unknown concerning these offenses will be obtained through the interception, authorization for which is applied for herein. In particular, these wire communications will concern the placing and receiving of sports bets and action and the dissemination of "line" information.

(c) normal investigative procedures reasonably appear to be unlikely to succeed if tried.

(d) there is probable cause to believe that the telephone numbered (216) 777-3850 located at Apartment 512, 25151 Brookpark Road, North Olmsted, Ohio, subscribed to by Richard Wellman, has been used and is being used by Albert Kotoch, Joseph Anthony Spaganlo, Chuck (LNU), (FNU) Slyman, George M. Florea, and others as yet unknown in connection with the commission of the above-described offenses.

7. No previous application is known to have been made to any judge for authorization to intercept, or for approval of interceptions of, wire or oral communications involving any of the same persons, facilities, or places specified therein, except as contained in the application for continued interception of telephones numbered (216) 777-0850 and (216) 777-0851 filed with and granted by this Court this date.

WHEREFORE, your applicant believes that probable cause exists to believe that Albert Kotoch, Joseph An-

thony Spaganlo, Chuck (LNU), (FNU) Slyman, George M. Florea, and others as yet unknown are conducting, financing, managing, supervising, directing or owning all or part of an illegal gambling business involving five or more persons which has been or remains in substantially continuous operation for a period in excess of thirty days and violates the laws of the State of Ohio, and which therefore, is in violation of Section 1955 of Title 18, United States Code, and are conspiring to commit such offenses in violation of Section 371 of Title 18, United States Code; that Albert Kotoch, Joseph Anthony Spaganlo, Chuck (LNU), (FNU) Slyman, George M. Florea, and others as yet unknown have used, and are using the telephone numbered (216) 777-3850, located at Apartment 512, 25151 Brookpark Road, North Olmsted, Ohio, and subscribed to by Richard Wellman, in connection with the commission of the above-described offenses; that communications of Albert Kotoch, Joseph Anthony Spaganlo, Chuck (LNU), (FNU) Slyman, George M. Florea, and others as yet unknown concerning these offenses will be intercepted to and from the above-described telephone; and that normal investigative procedures reasonably appear to be unlikely to succeed if tried.

On the basis of the allegations contained in this application and on the basis of the affidavit of Special Agent Richard L. Ault, Jr., which is attached and made a part of this application, affiant requests that this Court issue an Order, pursuant to the power conferred on it by Section 2518 of Title 18, United States Code, authorizing the Federal Bureau of Investigation of the United States Department of Justice to intercept wire communications to and from the above-described telephone, which interceptions shall not automatically terminate when the described types of communications have first been obtained, but shall continue until communications are intercepted which reveal the manner in which Albert Kotoch, Joseph Anthony Spaganlo, Chuck (LNU), (FNU) Slyman, George M. Florea, and others as yet unknown participate in the conducting, financing, managing, supervising, directing or owning all or part of an illegal gambling business in violation of Title 18, United States Code, Section 1955

and the laws of the State of Ohio and which reveal the identities of their confederates, their places of operation, and the nature of the conspiracy involved therein, or for a period of fifteen (15) days from the date of that Order, whichever is earlier.

It is further requested that this court issue an order pursuant to the power conferred on it by Section 2518 (4) (e) of Title 18, United States Code, directing that the Ohio Bell Telephone Company, a communication common carrier as defined in Section 2510(10) of Title 18, United States Code, shall furnish the applicant forthwith all information, facilities and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services that such carrier is according the person whose communications are to be intercepted, the furnishing of such facilities or technical assistance by the Ohio Bell Telephone Company to be compensated for by the applicant at the prevailing rates.

/s/ Steven R. Olah

Subscribed and sworn to before me this 26th day of December, 1972.

/s/ Leroy J. Contie, Jr.
United States District Judge

[Filed December 26, 1972]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

IN THE MATTER OF THE APPLICATION OF THE UNITED STATES FOR AN ORDER AUTHORIZING THE CONTINUED INTERCEPTION OF WIRE AND ORAL COMMUNICATIONS, AND AN ORDER AUTHORIZING THE INTERCEPTION OF WIRE AND ORAL COMMUNICATIONS

AFFIDAVIT

I, RICHARD L. AULT, JR., being duly sworn, state:

I am an "investigative or law enforcement officer . . . of the United States" within the meaning of Section 2510 (7) of Title 18 United States Code; that is, an officer of the United States who is empowered by law to conduct investigations of an make arrests for offenses enumerated in Section 2516, Title 18, United States Code.

For two years I have been engaged in the investigation of organized criminal activities. For one year, I have been primarily engaged in the investigation of organized criminal activities and gambling matters in the Northern Ohio area. On November 28, 1972, I swore to an affidavit before Chief United States District Judge FRANK J. BATTISTI, United States District Court, Northern District of Ohio, Eastern Division, Cleveland, Ohio. All affirmations set forth in that affidavit are incorporated by reference herein. A copy of said affidavit is attached hereto.

On November 28, 1972, I received a Court Order from the United States District Court, Northern District of Ohio, Eastern Division, to intercept wire communications on telephone numbers (216) 777-0850 and (216) 777-0851, located at Apartment 512, 25151 Brookpark Road, North Olmsted, Ohio, and telephone numbers (216) 452-1624 and 453-6114 located at 204 Broad Avenue, N.W.,

Canton, Ohio. On November 28, 1972, The Federal Bureau of Investigation began intercepting conversations of ALBERT KOTOCH and GEORGE FLOREA pursuant to this Court Order. KOTOCH's telephone conversations were intercepted from November 28, 1972, to December 12, 1972, at which time these phones were disconnected pursuant to the court order issued by Chief Judge FRANK J. BATTISTI, United States District Court, Northern District of Ohio, Eastern Division. Telephone number (216) 453-6114, utilized by GEORGE FLOREA was monitored from November 28, 1972, until 11:00 p.m. December 7, 1972, at which time it was disconnected inasmuch as very few calls concerning gambling business were made on that telephone. Telephone number (216) 452-1624 utilized by GEORGE FLOREA was monitored from November 28, 1972, until December 12, 1972, at which time this phone was disconnected pursuant to the court order issued by Chief Judge FRANK J. BATTISTI, United States District Court, Northern District of Ohio, Eastern Division.

I. PROBABLE CAUSE FROM INTERCEPTION OF WIRE COMMUNICATIONS EXISTS TO SHOW THAT AL KOTOCH IS CONDUCTING A BOOKMAKING OPERATION IN VIOLATION OF FEDERAL GAMBLING LAWS

A. During the time from November 28, 1972, to December 12, 1972 KOTOCH's telephonic conversations were intercepted and revealed that he is conducting a major sports bookmaking operation each day from approximately 5:00 p.m. to 7:30 p.m. during the week and from 11:00 a.m. to 4:00 p.m. during the weekend. During the period from November 28, 1972, to December 11, 1972, a total of 779 incoming calls and 13 outgoing calls were noted at telephone number (216) 777-0850 with 777 of the incoming and 12 of the outgoing calls monitored inasmuch as they concerned gambling business. During this period, in excess of $261,100 in bets was made over this telephone.

During the period from November 28, 1972, to December 11, 1972, a total of 440 incoming and nine outgoing calls were noted at telephone (216) 777-0851. Of these, 337 incoming and nine outgoing calls were monitored inasmuch as they were gambling business. A total in excess of $123,100 in bets were placed over this phone. Of a total of 1,135 telephone calls monitored at (216) 777-0850 and 777-0851, only 21 of these were outgoing calls. Therefore, it has been extremely difficult to establish the identities of the callers. The interception has further revealed:

a. On December 2, 1972, December 6, 1972, and December 8, 1972, ALBERT KOTOCH was called by GEORGE FLOREA at KOTOCH's telephones, (216) 777-0850 and (216) 777-0851. KOTOCH and FLOREA exchanged line information and FLOREA would advise KOTOCH as to which sports teams were going to "move" that is, teams upon which FLOREA had information that the "line" was going to change, so that KOTOCH might be able to bet the team to his advantage.

b. On December 2, 1972, during the course of numerous calls to the two telephones set forth herein above, an individual identified by voice as AL KOTOCH advised callers that as of Monday, December 4, 1972, an indivdual whose code name was "CHUCK" would be with KOTOCH taking calls. During this week of December 4 through December 9, 1972, an individual would answer the two telephones mentioned above, identify himself as "CHUCK" and accept bets and line information. Further, during the course of telephone calls on the two above mentioned telephones on December 4, 1972, and December 5, 1972, an individual identified by voice as AL KOTOCH was overheard to tell several individuals that he would be in contact with them from another telephone, not at the same location as the above two numbers, and that "CHUCK" would be at the two above mentioned numbers.

c. On December 2, 1972, during the course of an incoming telephone call, on (216) 777-0850, an individual identified by voice as AL KOTOCH was overheard to advise the caller that an individual known as "RAY" at telephone numbers 1-513-242-6664, and 1-513-242-9918,

was KOTOCH's big "out." That is, an individual to whom KOTOCH could lay-off big bets. These telephone numbers are listed to VANIS RAY ROBBINS, as shown on Page 36 of the attached affidavit. On December 7, 1972, an individual identified by voice as AL KOTOCH placed a phone call to telephone number 1-513-242-6664 from (216) 777-0850, and talked to an individual named RAY about "line" information and "bottom" figures.

d. On December 4 and December 7, 1972, AL KOTOCH placed telephone calls to telephone number 1-827-4198, and spoke to a male identified by voice as JOSEPH SPAGANLO. During the course of the conversations, KOTOCH received instructions on how to bet a certain team. On December 7, 1972, SPAGANLO told KOTOCH, "we can't carry him if he won't pay." 1-327-4193 is listed to SUZANNE VERES as shown on pages 40 and 41 of attached affidavit.

e. During the course of monitoring conversations on (216) 777-0850 and (216) 777-0851, no less than five individuals called KOTOCH on a daily basis to give him "line" information and ask him what teams to bet for him. That is, these individuals, who are not all identified, are acting as agents for KOTOCH. Among these individuals are:

1. On a daily basis, since monitoring began on November 28, 1972, an individual known as "22" and identified by Special Agents of the Federal Bureau of Investigation as (First Name Unknown) SLYMAN calls "line" information in to KOTOCH, and at times takes bets from KOTOCH to place with other bookmakers. On December 7, 1972, SLYMAN advised KOTOCH that he, SLYMAN, had a partner who works in SLYMAN's bookmaking office while SLYMAN sleeps late.

2. On a daily basis since monitoring commenced on November 28, 1972, an individual known as "SANDY" and identified by Special Agents of the Federal Bureau of Investigation as SANFORD GLASSMAN, calls AL KOTOCH to give line information and receive information as to what teams to bet. On November 29, 1972, "SANDY" advised KOTOCH that he would be receiving

bets from other individuals which he would then call into KOTOCH. SANFORD GLASSMAN was indicted by a United States Federal Grand Jury on May 19, 1971, Central District of California, on charges of violation of Title 18, United States Code, Sections 1952, 1084, and 371; and on December 11, 1972, entered a plea of guilty under Rule 20, to violation of Title 18, United States Code, Section 1952, in United States District Court, Northern District of Ohio, Eastern Division, Cleveland, Ohio. GLASSMAN was fined $2,500.

f. On December 10, 1972, AL KOTOCH was heard to state to a caller that the caller had only two or three "B.M's" (Bookmakers) to worry about and that he, KOTOCH, had 50-60 "guys."

II. PROBABLE CAUSE EXISTS THROUGH INTERCEPTION OF WIRE COMMMUNICATIONS TO BELIEVE THAT AL KOTOCH USES TELEPHONE NUMBER (216) 777-3850 TO CONDUCT AN ILLEGAL BOOKMAKING OPERATION.

A. The records of the Ohio Bell Telephone Company as of December 3, 1972, reveal that telephone number (216) 777-0850, (216) 777-0851, are listed to RICHARD WELLMAN, Apartment Number 512, 25151 Brookpark Road, North Olmsted, Ohio. The records also show that telephone number (216) 777-3850 is listed to RICHARD WELLMAN at the above address. The records further show no other phones at this address.

B. On November 28, 1972, an electronic surveillance was established on telephone number 777-0850 and 777-0851, pursuant to a court order signed by Chief Judge FRANK J. BATTISTI on November 28, 1972.

During the course of the above mentioned electronic surveillance, AL KOTOCH was observed entering the apartment house at 25151 Brookpark Road, at approximately 5:00 p.m. each day during the week. Within minutes of the time KOTOCH entered, telephone calls to 777-0850, and 777-0851 were answered. Prior to KOTOCH's entry to the apartment, telephones 777-0850 and 777-0851 were not used. Further, an individual, described as

a white male, approximately 5'9" tall, 170 pounds, with a beard, and a crossed eye, was seen entering the apartment 512, with AL KOTOCH on several occasions. During the course of surveillances by Special Agents of the FBI, AL KOTOCH and the other white male described above were observed leaving Apartment 512, during the week at approximately 7:35 p.m. Subsequent to this departure, no acivity was noted on either phone until approximately 5:30 p.m. the following day.

C. During the course of the above electronic surveillance, the following was noted:

a. On December 2, 1972, at 3:45 p.m., during the course of an incoming telephone call to telephone number (216) 777-0850, an individual identified by voice as AL KOTOCH placed an outgoing call on a third telephone, which monitoring equipment showed was not (216) 777-0851 and spoke to an idividual identified by KOTOCH as "RAY" about a bookmaker who needed to bet with "RAY."

b. On two occasions on December 3, 1972, and December 9, 1972, during the course of incoming calls, an individual identified by voice as AL KOTOCH was overheard to tell the caller that he would return the caller's call. On December 3, 1972, only one outgoing call was noted on telephone number 777-0850. This telephone call was four hours after KOTOCH had advised the caller he would call him back in five minutes. On December 9, 1972, during the course of an incoming call, an individual asked the male who answered the phone if he could talk to "him." The individual answering the phone said "He is busy. I'll have him call you." On December 9, 1972, no outgoing calls were placed from either telephone subsequent to the above mentioned call. On December 9, 1972, at 1:55 p.m. an individual identified by voice as AL KOTOCH received an incoming call from a male caller who said to KOTOCH that he had "it", referring to "line" information. KOTOCH stated "I'll call you right back on the other phone." No outgoing calls were noted on either phone until over an hour and a half after the above mentioned call.

On Saturday, December 3, 1972, during the course of an incoming call, telephone call being monitored on 777-0850, the individual talking on 777-0850 (male answering) asked the male calling to hold on while the male answering made a telephone call. Monitoring equipment did not reflect any outgoing calls on (216) 777-0851.

On December 3, 1972, at 11:11 a.m. the individual whose voice was recognized as that of AL KOTOCH, answered telephone 777-0850. KOTOCH told the male caller to hold on. KOTOCH's voice was then heard in the background discussing "line" information; there was no answering voice to his questions, and no phone call reflected on 777-0851 while this call was being monitored on 777-0850.

c. On December 3, 1972, while KOTOCH is talking on 777-0850, a telephone rang in KOTOCH's apartment, which monitoring equipment showed was not 777-0851.

Further on December 5, 1972, an individual identified by the caller as "AL" was talking on 777-0850 and a telephone rang in the background the monitoring equipment of 777-0851 reflected no incoming call. "AL" asked the male caller to wait, and could then be heard discussing "line" information in a one-way conversation in the background.

d. On December 5, 1972, at 5:54 p.m., during a conversation being monitored on 777-0851, between AL KOTOCH and an unknown male caller, a telephone was heard ringing in the background. The phone ringing was not 777-0850, inasmuch as no incoming calls were registered at this time. An individual was heard by affiant in the background to answer the phone "This is CHUCK. Ya, want New York?"

On December 11, 1972, while monitoring an incoming call on 777-0850, the individual whose voice was identified as that of AL KOTOCH's advised a male caller that he, KOTOCH, would call the caller back at telephone 398-4423. Monitoring equipment for both telephones, 777-0850, and 777-0851 fails to show any outgoing calls for December 11, 1972.

It is necessary that an extension of the Court Order issued for interception of KOTOCH's wire communica-

tions at telephone numbers (216) 777-0850 and (216) 777-0851, by Chief Judge FRANK J. BATTISTI, United States District Court, Northern District of Ohio, Eastern Division, on November 28, 1972, he obtained because:

1. Numerous individuals have called ALBERT KOTOCH to place wagers, receive wagers and to give and receive "line" information. More time is needed to determine the identity and the nature of the participation of these individuals in the Illegal Gambling Business which KOTOCH is conducting, evidence of which is being obtained, in part, by this wire interception.

2. During the interception period, KOTOCH has obtained and furnished football and basketball "line" information. KOTOCH has also accepted and laid off numerous wagers on football and basketball games; and more time is needed to determine the source of the football and basketball information used and disseminated by KOTOCH.

3. As set forth herein, interception of KOTOCH's conversations has revealed that KOTOCH discusses gambling business on a third telephone, number (216) 777-3850, which is not monitored. More time is needed for the two telephones currently being monitored in order to corroborate any outgoing calls, discussions of lay-off action on the third telephone, if authority is granted to intercept communications on the third telephone.

4. More time is needed to determine the identity of individuals with whom KOTOCH has been in contact, their places of operation and the full extent and nature of this conspiracy to violate Title 18, Section 1955 of the United States Code.

It is necessary to request that an order from this court should ensure to intercept wire communications from telephone number (216) 777-3850 that will not terminate upon the first interception that further reveals the manner which ALBERT KOTOCH, JOSEPH A. SPAGANLO, CHUCK (Last Name Unknown), (First Name Unknown) SLYMAN, GEORGE M. FLOREA, and others as yet unknown, participate in the illegal gambling business but continue until interception reveals the iden-

tities of those KOTOCH is contacting, their places of operation, or for a period of 15 days, from the date of this order, whichever is earlier, because:

1. As set forth herein, very few telephone calls intercepted on telephone numbers (216) 777-0850 and (216) 777-0851 are outgoing calls. As stated on Page 3 of the attached affidavit, in order for a bookmaker to balance his books, it is necessary for him to have another bookmaker with whom he can place bets which have unbalanced his books. This process is known as "laying off" and during the course of heavy betting activity such has been intercepted on AL KOTOCH's phones, KOTOCH must have available a telephone with which to call other bookmakers as rapidly as he can in order to "lay-off" any teams upon which he has received large bets.

2. Therefore, as set forth herein, probable cause exists that AL KOTOCH uses the third telephone present in Apartment 512, 25151 Brookpark Road, North Olmsted, Ohio, to place his outgoing "lay-off" telephone calls and receives his new "line" information.

3. It is necessary to monitor these outgoing telephone calls to determine the identity of individuals from whom KOTOCH receives his "line" information, and to whom KOTOCH lays off his larger bets.

Further, affiant sayeth not.

/s/ Richard L. Ault, Jr.
RICHARD L. AULT, JR.
Special Agent
Federal Bureau of Investigation

Sworn to before me, and subscribed in my presence, December 26, 1972.

/s/ Leroy J. Contie, Jr.
U.S. District Judge

Attached To The Affidavit Was A Copy Of Affidavit Of November 28, 1972. See Page 20 *Supra.*, For That Affidavit.

[Filed December 26, 1972]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN THE MATTER OF THE APPLICATION OF THE UNITED STATES FOR THE CONTINUED INTERCEPTION OF WIRE COMMUNICATIONS

ORDER AUTHORIZING CONTINUED INTERCEPTION OF WIRE COMMUNICATIONS

TO: Federal Bureau of Investigation
Department of Justice

Application under oath having been made before me by Steven R. Olah, an attorney with the Organized Crime and Racketeering Section, Department of Justice, and an "investigative or law enforcement officer" as defined in Section 2510(7) of Title 18, United States Code, for an Order authorizing the continued interception of wire communications pursuant to Section 2518, United States Code, based on the facts disclosed by said application and on the affidavit and supporting documents attached thereto, I make the following findings:

(a) There is probable cause to believe that Albert Kotoch, Joseph Anthony Spaganlo, Chuck (LNU), (FNU) Slyman, George M. Florea, and others as yet unknown are commiting, have committed and are about to commit and are conspiring to commit an offense enumerated in Section 2516 of Title 18, United States Code, to wit: conducting, financing, managing, supervising, directing, or owning all or part of an illegal gambling business which has been or remains in substantially continuous operation for a period in excess of thirty days in violation of Title 18, United States Code, Section 1955, and Section 371 of Title 18, United States Code.

(b) There is probable cause to believe that communications concerning these offenses will be obtained through the interception, authorization for which is applied for herein. In particular, communications will be intercepted concerning the placing and receiving of sports bets and action and the dissemination of "line" information.

(c) Normal investigative procedures reasonably appear to be unlikely to succeed if tried.

(d) There is probable cause to believe that the telephones numbered (216) 777-0850 and (216) 777-0851, both located at Apartment 512, 25151 Brookpark Road, North Olmsted, Ohio, and both subscribed to by Richard Wellman have been used and are being used in connection with the commission of the above described offenses by Albert Kotoch, Joseph Anthony Spaganlo, Chuck (LNU), (FNU) Slyman, George M. Florea, and others, as yet unknown.

WHEREFORE, it is hereby Ordered that:

Special Agents of the Federal Bureau of Investigation, United States Department of Justice, are authorized, pursuant to Application authorized by the Attorney General of the United States, the Honorable Richard G. Kleindienst, to exercise the power conferred on him by Section 2516 of Title 18, United States Code:

(1) To continue to intercept wire communications of Albert Kotoch, Joseph Anthony Spaganlo, Chuck (LNU), (FNU) Slyman, George M. Florea, and others, as yet unknown concerning the above described offenses to and from the telephones numbered (216) 777-0850 and (216) 777-0851, both located at Apartment 512, 25151 Brookpark Road, North Olmsted, Ohio, and both subscribed to by Richard Wellman.

(2) Such interceptions shall not automatically terminate when the types of communications described above in paragraph (b) have first been obtained, but shall continue until communications are in-

tercepted which reveal the exact manner in which Albert Kotoch, Joseph Anthony Spaganlo, Chuck (LNU), (FNU) Slyman, George M. Florea, and others, as yet unknown participate in the conducting, financing, managing, supervising, directing or owning all or part of an illegal gambling business and which reveal the identities of their confederates and the nature of the conspiracy involved therein, or for a period of fifteen (15) days from the date of this order, whichever is earlier.

PROVIDED THAT, this authorization to continue to intercept wire communications shall be executed as soon as practicable after signing of this order, shall be conducted in such a way as to minimize the interception of communications that are otherwise not subject to interception under Chapter 119 of Title 18 of the United States Code, and must terminate upon attainment of the authorized objective, or, in any event, at the end of fifteen (15) days from the date of this order, whichever is earlier.

PROVIDED ALSO, that Steven R. Olah shall provide the Court with a report on the 3rd and 10th days following the date of this Order showing what progress has been made toward achievement of the authorized objective and the need for criminal interception.

It is further ordered that the Ohio Bell Telephone Company, a communication common carrier as defined in Section 2510(10) of Title 18, United States Code, shall furnish the applicant forthwith all information, facilities and technical assistance necessary to accomplish the continued interception unobtrusively and with a minimum of interference with the services that such carrier is according to the person whose communications are to be intercepted, the furnishing of such facilities or technical assistance by the Ohio Bell Telephone Company to be compensated for by the applicant at the prevailing rates.

/s/ L. J. Contie, Jr.
United States District Judge

Date—12/26/72

[Filed December 26, 1972]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN THE MATTER OF THE APPLICATION OF THE UNITED STATES FOR THE INTERCEPTION OF WIRE COMMUNICATIONS

ORDER AUTHORIZING INTERCEPTION OF WIRE COMMUNICATIONS

TO: Federal Bureau of Investigation
Department of Justice

Application under oath having been made before me by Steven R. Olah, an attorney with the Organized Crime and Racketeering Section, United States Department of Justice, and an "investigative or law enforcement officer" as defined in Section 2510(7) of Title 18, United States Code, for an Order authorizing the interception of wire communications pursuant to Section 2518, United States Code, based on the facts disclosed by said application and on the affidavit and supporting documents attached thereto, I make the following findings:

(a) There is probable cause to believe that Albert Kotoch, Joseph Anthony Spaganlo, Chuck (LNU), (FNU) Slyman, George M. Florea, and others as yet unknown are committing, have committed and are about to commit and are conspiring to commit an offense enumerated in Section 2516 of Title 18, United States Code, to wit: conducting, financing, managing, supervising, directing, or owning all or part of an illegal gambling business which has been or remains in substantially continuous operation for a period in excess of thirty days in violation of Title 18, United States Code, Section 1955, and Section 371 of Title 18, United States Code.

(b) There is probable cause to believe that communications concerning these offenses will be obtained through the interception, authorization for which is applied for herein. In particular, communications will be intercepted concerning the placing and receiving of sports wagers and action and the dissemination of "line" information.

(c) Normal investigative procedures reasonably appear to be unlikely to succeed if tried.

(d) There is probable cause to believe that the telephone numbered (216) 777-3850, located at Apartment 512, 25151 Brookpark Road, North Olmsted, Ohio, and subscribed to by Richard Wellman, has been used and is being used in connection with the commission of the above described offenses by Albert Kotoch, Joseph Anthony Spaganlo, Chuck (LNU), (FNU) Slyman, George M. Florea, and others, as yet unknown.

WHEREFORE, it is hereby Ordered that:

Special Agents of the Federal Bureau of Investigation, United States Department of Justice, are authorized, pursuant to Application authorized by the Attorney General of the United States, the Honorable Richard G. Kleindienst, to exercise the power conferred on him by Section 2516 of Title 18, United States Code:

(1) To intercept wire communications of Albert Kotoch, Joseph Anthony Spaganlo, Chuck (LNU), (FNU) Slyman, George M. Florea, and others, as yet unknown concerning the above described offenses to and from the telephone numbered (216) 777-3850, located at Apartment 512, 25151 Brookpark Road. North Olmsted, Ohio and subscribed to by Richard Wellman.

(2) Such interceptions shall not automatically terminate when the types of communications described above in paragraph (b) have first been obtained, but shall continue until communications are intercepted which reveal the exact manner in which

Albert Kotoch, Joseph Anthony Spaganlo, Chuck (LNU), (FNU) Slyman, George M. Florea, and others, as yet unknown participate in the conducting, financing, managing, supervising, directing or owning all or part of an illegal gambling business and which reveal the identities of their confederates and the nature of the conspiracy involved therein, or for a period of fifteen (15) days from the date of this order, whichever is earlier.

PROVIDED THAT, this authorization to intercept wire communications shall be executed as soon as practicable after signing of this order, shall be conducted in such a way as to minimize the interception of communications that are otherwise not subject to interception under Chapter 119 of Title 18 of the United States Code, and must terminate upon attainment of the authorized objective, or, in any event, at the end of fifteen (15) days from the date of this order, whichever is earlier.

PROVIDED ALSO, that Stephen R. Olah shall provide the Court with a report on the 3rd and 10th days following the date of this Order showing what progress has been made toward achievement of the authorized objective and the need for continual interception.

It is further ordered that the Ohio Bell Telephone Company, a communication common carrier as defined in Section 2510(10) of Title 18, United States Code, shall furnish the application forthwith all information, facilities and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services that such carrier is according the person whose communications are to be intercepted, the furnishing of such facilities or technical assistance by the Ohio Bell Telephone Company to be compensated for by the applicant at the prevailing rates.

/s/ L. J. Contie, Jr.
United States District Judge

DATE—December 26, 1972

[Filed December 29, 1972]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN THE MATTER OF THE APPLICATION OF THE UNITED STATES OF AMERICA FOR THE CONTINUED INTERCEPTION OF WIRE COMMUNICATIONS AND THE INTERCEPTION OF WIRE COMMUNICATIONS

PROGRESS REPORT

Steven R. Olah, an attorney with the Organized Crime and Racketeering Section, of the United States Department of Justice, respectfully submits this report showing what progress has been made toward the achievement of the authorized objective and need for continued interception:

1. On December 26, 1972, at approximately 10:45 a.m., upon application of Steven R. Olah, filed on December 26, 1972, an Order was signed by this Court authorizing interception of wire communications to and from telephones numbered (216) 777-0850, (216) 777-0851, and (216) 777-3850. This report, filed on the third day following the date of the Order authorizing interception of wire communications and covering the first three days of interception is made in compliance with the terms of that Order and pursuant to the terms of 18 U.S.C., § 2518(6).

2. The progress toward achievement of the authorized objective is as follows:

a. December 26, 1972

(1) Telephone numbered (216) 777-0850—of 40 incoming calls, all were monitored, and one outgoing call was monitored; wagers totaling approximately $6,400 were placed.

(2) Telephone numbered (216) 777-0851—of 26 incoming calls, all were monitored, and $3,950 in bets were placed.

(3) Telephone numbered (216) 777-3850—of 15 incoming calls, all were monitored; of 22 outgoing calls, 21 were monitored; a total of $4,850 in bets were placed with ALBERT KOTOCH.

(b) December 27, 1972

(1) Telephone numbered (216) 777-0850—of 45 incoming calls, 44 were monitored, and $12,000 was wagered on sporting events.

(2) Telephone numbered (216) 777-0851—of 42 incoming calls, 42 were monitored; one outgoing call was monitored. Approximately $18,900 in bets were taken.

(3) Telephone numbered (216) 777-3850—of 8 incoming calls, 8 were monitored; of 10 outgoing calls, 10 were monitored. A total of $6,800 was wagered on sports bets. In addition, ALBERT KOTOCH received his sports "line" information over this telephone.

(c) December 28, 1972

(1) Telephone numbered (216) 777-0850—44 incoming calls, 43 were monitored; $4,800 was wagered.

(2) Telephone numbered (216) 777-0851—of 16 incoming calls, all were monitored, and concerned gambling; $4,300 was wagered during the course of monitoring on this date.

(3) Telephone numbered (216) 777-3850—of 14 incoming calls, 14 were monitored; of 22 outgoing calls, 22 were monitored. During the course of interception, approximately $12,450 was wagered in total. During the course of interception, lay-off activity between KOTOCH, VANIS RAY ROBBINS and JIMMY BLANK was noted. Additionally, KOTOCH was overheard receiving betting instructions from JOSEPH SPAGANLO.

3. Due to the fact that the gambling operation in question is an established business of a continuing nature, it is believed that additional communications of

the same type as those described in paragraph 2 above will continue to occur.

4. Continued interception is necessary for the following reasons:

(a) The identity of a lay-off bookmaker in Niles, Ohio, with whom AL KOTOCH deals, has not yet been established.

(b) KOTOCH receives line information from an Akron, Ohio bookmaker whose identity is yet undetermined.

(c) No activity between KOTOCH and GEORGE FLOREA has been noted to this date.

(d) AL KOTOCH has indicated during conversations that he is planning to move his bookmaking operation to a different apartment in the same building. The location of this new office is yet undetermined.

(e) The full scope of KOTOCH's operation, including the identities of other bookmakers with whom he deals, is still not determined.

Respectfully submitted,

/s/ Steven R: Olah
STEPHEN R. OLAH

DATE—12/29/72

[Filed January 5, 1973]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN THE MATTER OF THE APPLICATION OF THE UNITED STATES OF AMERICA FOR THE CONTINUED INTERCEPTION OF WIRE COMMUNICATIONS AND THE INTERCEPTION OF WIRE COMMUNICATIONS

PROGRESS REPORT

Steven R. Olah, an attorney with the Organized Crime and Racketeering Section, of the United States Department of Justice, respectfully submits this report showing what progress has been made toward the achievement of the authorized objective and need for continued interception:

1. On December 26, 1972, at approximately 10:45 a.m., upon application of Steven R. Olah, filed on December 26, 1972, an Order was signed by this Court authorizing interception of wire communications to and from telephones numbered (216) 777-0850, (216) 777-0851, and (216) 877-3850. This report, filed on the tenth day following the date of the Order authorizing interception of wire communications and covering the fourth through the ninth days of interception is made in compliance with the terms of that Order and pursuant to the terms of 18 U.S.C., § 2518(6).

2. The progress toward achievement of the authorized objective is as follows:

a. December 29, 1972

(1) Telephone numbered (216) 777-0850—of 70 incoming calls, all were monitored, and no outgoing calls were monitored; wagers totaling approximately $31,500 were placed.

(2) Telephone numbered (216) 777-0851—of 39 incoming calls, all were monitored, and $11,650 in bets were placed.

(3) Telephone numbered (216) 777-3850—of 13 incoming calls, all were monitored; of 12 outgoing calls, 11 were monitored; a total of $7,400 in bets were placed.

b. December 30, 1972

(1) Telephone numbered (216) 777-0850—of 144 incoming calls, 144 were monitored; of 8 outgoing calls, 8 were monitored; and $37,900 was wagered.

(2) Telephone numbered (216) 777-0851—of 49 incoming calls, 49 were monitored; no outgoing calls were monitored. Approximately $11,500 in bets were taken.

(3) Telephone numbered (216) 777-3850—of 40 incoming calls, 38 were monitored; of 53 outgoing calls, 52 were monitored. A total of $7,400 was wagered.

c. December 31, 1972

(1) Telephone numbered (216) 777-0850—of 96 incoming calls, all were monitored; of 3 outgoing calls, 3 were monitored; $21,160 was wagered.

(2) Telephone numbered (216) 777-0851—of 46 incoming calls, all were monitored, and one outgoing call was monitored; $15,600 was wagered during the course of monitoring on this date.

(3) Telephone numbered (216) 777-3850—of 19 incoming calls, 19 were monitored; of 37 outgoing calls, 30 were monitored. During the course of interception, approximately $15,000 was wagered in total.

d. January 1, 1973

(1) Telephone numbered (216) 777-0850—of 15 incoming calls, all were monitored; of 10 outgoing calls, all were monitored; approximately $28,000 was wagered in total.

(2) Telephone numbered (216) 777-0851—of 55 incoming calls, all were monitored; of 2 outgoing calls, both were monitored; approximately $12,300 in bets were taken.

(3) Telephone numbered (216) 777-3850—of 18 incoming calls, all were monitored; of 54 outgoing calls, all were monitored; approximately $5,000 in bets were noted.

e. January 2, 1973

(1) Telephone numbered (216) 777-0850—of 42 incoming calls, all were monitored; no outgoing calls were noted; approximately $12,000 in bets were taken.

(2) Telephone numbered (216) 777-0851—of 12 incoming calls, all were monitored; of 6 outgoing calls, all were monitored; approximately $2,800 in bets were placed.

(3) Telephone numbered (216) 777-3850—of 11 incoming calls, 10 were monitored; of 13 outgoing calls, 11 were monitored; approximately $500 in wagers were placed.

f. January 3, 1973

(1) Telephone numbered (216) 777-0850—of 47 incoming calls, all were monitored; one outgoing call was monitored; approximately $3,150 in bets were placed.

(2) Telephone numbered (216) 777-0851—of 15 incoming calls, all were monitored; no outgoing calls were made; approximately $2,500 in bets were taken.

(3) Telephone numbered (216) 777-3850—of 7 incoming calls, all were monitored; of 19 outgoing calls, 12 were monitored; approximately $1,400 in bets were placed.

3. Interception was terminated on January 4, 1973, at approximately 8:00 p.m., after ten days of monitoring.

Respectfully submitted,

/s/ Steven R. Olah
STEVEN R. OLAH

DATE January 5, 1973

[Filed February 21, 1973]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN THE MATTER OF THE APPLICATION OF THE UNITED STATES OF AMERICA FOR THE INTERCEPTION OF WIRE COMMUNICATIONS

ORDER DIRECTING SERVICE OF INVENTORY

To: Steven R. Olah, Attorney
U. S. Department of Justice
Cleveland, Ohio

This Court, having entered an Order on November 28, 1972, authorizing the interception of wire communications to and from the telephones numbered (216) 777-0850 and (216) 777-0851, located at 25151 Brookpark Road, Apartment 512, North Olmsted, Ohio; and (216) 453-6114 and (216) 452-1624, located at 204 Broad Avenue, N.W., Canton, Ohio for a fifteen (15) day period; and this Court having entered an Order on December 26, 1972, authorizing the interception of wire communications to and from the telephones numbered (216) 777-0850, (216) 777-0851 and (216) 777-3850, located at 25151 Brookpark Road, Apartment 512, North Olmsted, Ohio, for a fifteen (15) day period, pursuant to the provisions of Section 2518, Title 18, United States Code, upon the ex-parte application of the United States of America, it is ORDERED, pursuant to the provisions of Section 2518 (8)(d), that you cause a copy of the inventory to this Order to be served, by depositing such copy in the United States mail, certified or registered mail, return receipt requested, on or before February 26, 1972, on each of the following persons, addressed to each such person at his last known mailing address:

GEORGE FLOREA
NICK PETERS
JOSEPH DELIO

JOSEPH REA
MAURICE SULLIVAN
JOHN TSANGEOS
RAYMOND PAUL VARA
ROBERT COMBS
SAM NOTTURNO
LEONARD GIACAMO
ALBERT L. KOTOCH
ERNEST CHICKENO
JOSEPH SPAGANLO
SUZANNE VERES
ELLEN MILNER
JOSEPH SLYMAN
JAMES GIRARD
GEORGE SIDORIS
ANDREW OKULAVICH
JAMES L. NEALE
LOUIS GLASSMAN
SANFORD GLASSMAN
CHARLES MOORE
DOMINIC BUZZACCO
JACK LORENZETTI
PASQUALE CISTERNINO
LEO TRANKITO
JOHN VITANTONIO
HERMAN TROCCHIO
DAN TAYLOR
EDMUND KOTOCH
THOMAS DONOVAN
VANIS RAY ROBBINS
EDWARD TACKLA
DANIEL SHEA
PAT MURTON
AL WEINER

/s/ Frank J. Battisti
United States District Judge

DATED: Feb. 21, 1973

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

APPLICATION OF THE UNITED STATES OF AMERICA
IN THE MATTER OF AN ORDER AUTHORIZING THE
INTERCEPTION OF WIRE COMMUNICATIONS

INVENTORY

Pursuant to the requirements of Section 2518(8)(d) of Title 18, United States Code, notice is hereby given that:

1. An Order authorizing the interception of wire communications to and from the telephones subscribed to by Richard Wellman, Apartment 512, 25151 Brookpark Road, North Olmsted, Ohio, and bearing the numbers (216) 777-0850 and (216) 777-0851; the telephone subscribed to by Annette Florea, 204 Broad Avenue, N.W., Canton, Ohio, and bearing the number (216) 453-6114; and the telephone subscribed to by Margaret Delerba, 204 Broad Avenue, N.W., Canton, Ohio, and bearing the number (216) 452-1624 was entered by the United States District Court for the Northern District of Ohio, Eastern Division.

2. The Order authorizing the interception of wire communications to and from the telephone facilities described above was signed on November 28, 1972; said interception to continue for a period of fifteen days from that date. Interception over telephone number 453-6114 was discontinued on December 7, 1972; interception over telephones numbered 777-0850, 777-0851, and 452-1624 was discontinued on December 12, 1972.

3. An Order authorizing the continued interception of wire communications to and from the telephones subscribed to by Richard Wellman, Apartment 512, 25151 Brookpark Road, North Olmsted, Ohio, and bearing the numbers (216) 777-0850 and (216) 777-0851; and authorizing the interception of wire communications to and from the telephone subscribed to by Richard Wellman, Apartment 512, 25151 Brookpark Road, North Olmsted,

Ohio, and bearing the number (216) 777-3850 was entered by the United States District Court for the Northern District of Ohio, Eastern Division.

4. The Order authorizing the interception of wire communications to and from the telephone facilities described above was signed on December 26, 1972; said interception to continue for a period of fifteen days from that date. Interception was discontinued on January 4, 1973.

5. During the periods referred to in paragraphs 2 and 4 above, wire communications were intercepted.

/s/ Steven R. Olah
STEVEN R. OLAH
Special Attorney
U. S. Department of Justice
Cleveland, Ohio

[Filed September 11, 1973]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

APPLICATION OF THE UNITED STATES OF AMERICA
IN THE MATTER OF CERTAIN ORDERS AUTHORIZING
THE INTERCEPTION OF WIRE COMMUNICATIONS

MOTION FOR AMENDED ORDER
DIRECTING SERVICE OF INVENTORY

Comes now the United States of America, appearing through its Attorneys, and represents to this Court the following:

1. An Order authorizing the interception of wire communications to and from the telephones subscribed to by Richard Wellman, Apartment 512, 25151 Brookpark Road, North Olmsted, Ohio, and bearing the numbers (216) 777-0850 and (216) 777-0851; the telephone subscribed to by Annette Florea, 204 Broad Avenue, N.W., Canton, Ohio, and bearing the number (216) 453-6114; and the telephone subscribed to by Margaret Delerba, 204 Broad Avenue, N.W., Canton, Ohio, and bearing the number (216) 452-1624 was entered by the United States District Court for the Northern District of Ohio, Eastern Division.

2. The Order authorizing the interception of wire communications to and from the telephone facilities described above was signed on November 28, 1972; said interception to continue for a period of fifteen days from that date. Interception over telephone number 453-6114 was discontinued on December 7, 1972; interception over telephones numbered 777-0850, 777-0851, and 452-1624 was discontinued on December 12, 1972.

3. An Order authorizing the continued interception of wire communications to and from the telephones subscribed to by Richard Wellman, Apartment 512, 25151 Brookpark Road, North Olmsted, Ohio, and bearing the numbers (216) 777-0850 and (216) 777-0851; and authorizing the interception of wire communications to and from the telephone subscribed to by Richard Wellman, Apartment 512, 25151 Brookpark Road, North Olmsted, Ohio, and bearing the number (216) 777-3850 was entered by the United States District Court for the Northern District of Ohio, Eastern Division.

4. The Order authorizing the interception of wire communications to and from the telephone facilities described in paragraph (3) above was signed on December 26, 1972; said interception to continue for a period of fifteen days from that date. Interception was discontinued on January 4, 1973.

5. Pursuant to the provisions of Section 2518(8)(d), Title 18, United States Code, which requires, *inter alia*, that not later than ninety (90) days after termination of the period of authorized interception an inventory be served upon the parties whose conversations were monitored, Chief Judge Frank J. Battisti signed an "Order Directing Service of Inventory" on February 21, 1973.

6. Pursuant to the provisions of the aforementioned inventory Order, copies of said inventory (a copy of which is attached) were mailed to thirty-seven (37) persons positively identified during the period of authorized interception on February 22, 1973. These inventories were deposited in the United States mail, return receipt requested. The ninetieth day after the termination of interception was March 12, 1973.

7. During the week which commenced August 27, 1972, counsel for the Government discovered that by reason of an administrative oversight, Harvey Trifler, 6871 Drexel Drive, Seven Hills, Ohio 44131, and James Blank, 13400 Oak Park, Garfield Heights, Ohio 44125, parties whose conversations were overheard pursuant to the Court Ordered interception of wire communications described in paragraphs (1) through (4) above, were not served with an inventory pursuant to the "Order Directing Service of Inventory" described in paragraph (5) above.

8. The Government contends that it has at all times attempted to comply in good faith with both the Inventory Order of Chief Judge Battisti and the requirements of Title 18, United States Code, Section 2518(8)(d). However, in an effort to meet all its obligations to this Court

regarding the electronic surveillance in question, including the right of Mr. Trifler and Mr. Blank to receive adequate notice that their communications were intercepted, the Government respectfully moves this Honorable Court for an Amended Order Directing Service of Inventory to be served on Mr. Trifler and Mr. Blank by United States Certified Mail, Return Receipt Requested.

Respectfully submitted,

FREDERICK M. COLEMAN
United States Attorney

By: /s/ David Margolis
DAVID MARGOLIS

/s/ Edwin J. Gale
EDWIN J. GALE
Special Attorneys
Criminal Division
United States Department of Justice

[Attached To Motion]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

APPLICATION OF THE UNITED STATES OF AMERICA IN THE MATTER OF AN ORDER AUTHORIZING THE INTERCEPTION OF WIRE COMMUNICATIONS

INVENTORY

Pursuant to the requirements of Section 2518(8)(d) of Title 18, United States Code, notice is hereby given that:

1. An Order authorizing the interception of wire communications to and from the telephones subscribed to by Richard Wellman, Apartment 512, 25151 Brookpark Road, North Olmsted, Ohio, and bearing the numbers (216) 777-0850 and (216) 777-0851; the telephone subscribed to by Annette Florea, 204 Broad Avenue, N.W., Canton, Ohio, and bearing the number (216) 453-6114; and the telephone subscribed to by Margaret Delerba, 204 Broad Avenue, N.W., Canton, Ohio, and bearing the number (216) 452-1624 was entered by the United States District Court for the Northern District of Ohio, Eastern Division.

2. The Order authorizing the interception of wire communications to and from the telephone facilities described above was signed on November 28, 1972; said interception to continue for a period of fifteen days from that date. Interception over telephone number 453-6114 was discontinued on December 7, 1972; interception over telephones numbered 777-0850, 777-0851, and 452-1624 was discontinued on December 12, 1972.

3. An Order authorizing the continued interception of wire communications to and from the telephones subscribed to by Richard Wellman, Apartment 512, 25151 Brookpark Road, North Olmsted, Ohio, and bearing the

numbers (216) 777-0850 and (216) 777-0851; and authorizing the interception of wire communications to and from the telephone subscribed to by Richard Wellman, Apartment 512, 25151 Brookpark Road, North Olmsted, Ohio, and bearing the number (216) 777-3850 was entered by the United States District Court for the Northern District of Ohio, Eastern Division.

4. The Order authorizing the Interception of wire communications to and from the telephone facilities described above was signed on December 26, 1972; said interception to continue for a period of fifteen days from that date. Interception was discontinued on January 4, 1973.

5. During the periods referred to in paragraphs 2 and 4 above, wire communications were intercepted.

/s/ Steven R. Olah
STEVEN R. OLAH
Special Attorney
U. S. Department of Justice
Cleveland, Ohio

[Filed September 11, 1973]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

APPLICATION OF THE UNITED STATES OF AMERICA IN THE MATTER OF CERTAIN ORDERS AUTHORIZING THE INTERCEPTION OF WIRE COMMUNICATIONS

AMENDED ORDER DIRECTING SERVICE OF INVENTORY

This cause having come up upon Motion by the United States of America, through its Attorneys, David Margolis and Edwin J. Gale, this Court finds that the provisions of Title 18, United States Code, Section 2518(8)(d) which requires, *inter alia*, that not later than ninety days after termination of an authorized electronic interception (18, United States Code, Section 2516, *et seq.*) an inventory be served upon the persons whose conversations were monitored, were complied with in good faith by the United States when those inventories were deposited in the United States mail, certified mail, return receipt requested, on February 22, 1973; and that the "Order Directing Service of Inventory", signed by Chief District Judge Frank J. Battisti, on or about February 21, 1973, was complied with in good faith by the United States when the aforementioned mailings were made.

This Court further finds that by reason of an administrative oversight, which was recently discovered by the Government, Mr. Harvey Trifler and Mr. James Blank, parties who have been positively identified as persons overheard during authorized wire interceptions of communications which were ordered by this Court, were not served inventories pursuant to the above-described "Order Directing Service of Inventory", and, it is

HEREBY ORDERED, in the interests of Justice, that inventories identical to that attached to the February 21, 1973 "Order Directing Service of Inventory", signed by Chief District Judge Frank J. Battisti, Northern District of Ohio, be mailed, certified mail, return receipt requested, to Harvey Trifler, 6871 Drexel Drive, Seven Hills, Ohio 44131, and James Blank, 13400 Oak Park, Garfield Heights, Ohio 44125.

IT IS FURTHER ORDERED that the Government's Motion and the Amended Order directing service of the inventory be sealed and placed in the custody of this Court.

/s/ Frank J. Battisti
United States District Court
Judge
September 11, 1973

[Filed December 12, 1973]

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JUDGE KRUPANSKY

No. CR73-600

[Filed Dec. 12, 11:00 a.m., '73, Clerk, U.S. District Court, Northern District of Ohio]

UNITED STATES OF AMERICA, PLAINTIFF

—*vs.*—

ALBERT KOTOCH, ET AL., DEFENDANTS

MOTION TO SUPPRESS

Defendant Jacob Joseph Lauer now comes and moves the court for an order suppressing all evidence which may have been received as a result of the interception of wire communications and/or electronic surveillance under application and order dated November 28, 1972, and also under application and order dated December 26, 1972, for the reasons that as to the application and order dated November 28, 1972, said application and order was not in compliance with Section 2516(1) of Title 18 U.S.C., which required that the Attorney General or an Assistant Attorney General specially designated by the Attorney General authorize the application to the court, and that as to the application and order dated December 26, 1972, there has been no compliance with Section 2518(4)(a) of Title 18 U.S.C. in that this defendant was not named in the order, and that as to the application and order dated November 28, 1972, and also under application and order dated December 26, 1972, this defendant has not been served with notice of

inventory in accordance with 2518(8)(d) of Title 18, U.S.C.

Defendant respectfully requests oral argument.

Respectfully submitted,

BUCKINGHAM, DOOLITTLE & BURROUGHS

By /s/ Bradford M. Gearinger
BRADFORD M. GEARINGER
Attorneys for Defendant
Jacob Joseph Lauer
1500 Akron Center Building
I Cascade Plaza
Akron, Ohio 44308
Phone: (216) 535-2661

[Filed December 12, 1973]

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JUDGE KRUPANSKY

No. CR73-600

[Filed Dec. 12, 11:00 a.m., '73, Clerk, U.S. District Court, Northern District of Ohio]

UNITED STATES OF AMERICA, PLAINTIFF

—*vs.*—

ALBERT KOTOCH, ET AL., DEFENDANTS

MOTION TO SUPPRESS

Defendant Joseph Francis Merlo now comes and moves the court for an order suppressing all evidence which may have been received as a result of the interception of wire communications and/or electronic surveillance under application and order dated November 28, 1972, and also under application and order dated December 26, 1972, for the reasons that as to the application and order dated November 28, 1972, said application and order was not in compliance with Section 2516(1) of Title 18 U.S.C., which required that the Attorney General or an Assistant Attorney General specially designated by the Attorney General authorize the application to the court, and that as to the application and order dated December 26, 1972, there has been no compliance with Section 2518(4)(a) of Title 18 U.S.C. in that this defendant was not named in the order, and that as to the application and order dated November 28, 1972, and also under application and order dated December 26, 1972, this defendant has

not been served with notice of inventory in accordance with 2518(8)(d) of Title 18, U.S.C.

Defendant respectfully requests oral argument.

Respectfully submitted,

BUCKINGHAM, DOOLITTLE & BURROUGHS

By /s/ Bradford M. Gearinger
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Attorneys for
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1500 Akron Center Building
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Phone: (216) 535-2661

[Filed December 12, 1973]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JUDGE KRUPANSKY

Case No. CR 73-600

[Filed Dec. 12, 3:13 p.m., '73, Clerk, U.S. District Court, Northern District of Ohio]

UNITED STATES OF AMERICA, PLAINTIFF

—*vs.*—

VANIS RAY ROBBINS, ET AL., DEFENDANT

SUPPLEMENTAL MOTION TO SUPPRESS AND REQUEST FOR ORAL HEARING AND ARGUMENT

Now comes the defendant, Vanis Ray Robbins, by and through his attorney, Robert Wm. Ent, and moves the Court for an order suppressing all evidence which may have been received as a result of the interception of wire communications and/or other electronic surveillance under application and order dated November 28, 1972, and also under application and order dated December 26, 1972 for the reasons that as to the application and order dated November 28, 1972, said application and order was not in compliance with Section 2516 (1) of Title 18 U.S.C. which required that the Attorney General or an Assistant Attorney General specially designated by the Attorney General authorize the application to the Court, and that as to the application and order dated December 26, 1972 there has been no compliance with Section 2518

(4) (a) of Title 18 U.S.C. in that this defendant was not named in the Order.

Respectfully submitted,

/s/ Robert W. Ent
ROBERT WM. ENT
Second Floor Annex
914 Main St.
Cincinnati, Ohio 45202
A/C 513, 381-0025

and _____
Counsel for defendant

Vanis Ray Robbins

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Case No. CR 73-600

[Filed Dec. 28, 3:31 p.m., '73, Clerk, U.S. District Court, Northern District of Ohio]

UNITED STATES OF AMERICA, PLAINTIFF

—*vs.*—

ALBERT KOTOCH, ET AL., DEFENDANTS

SUPPLEMENTAL MOTION TO SUPPRESS AND CONTROVERT SEARCH WARRANT

Now comes the defendants, Harvey Trifler, Ernest Chickeno, George Frank Sidoris, Joseph Slyman, James Neil Girard, Thomas W. Donovan and Albert Kotoch, by and through their attorneys and move the Court for an order suppressing all evidence which may have been received as a result of the interception of wire communications and/or other electronic surveillance under application and order dated November 28, 1972, and also under application and order dated December 26, 1972. In support of this motion, defendants state the following grounds:

1. The application and order dated November 28, 1972, was not in compliance with Section 2516 (1) of Title 18 U.S.C. which required that the Attorney General or an Assistant Attorney General specially designated by the Attorney General authorize the application to the Court.

2. The application and order dated December 26, 1972 does not comply with Section 2518 (4) (a) of Title 18 U.S.C. in that all known defendants were not named in the Order and further, that said application was a

direct result of the illegality of the November 28th application and order.

Respectfully submitted,

Elmer A. Giuliani
ELMER A. GIULIANI

Frederick K. Jurek
FREDERICK K. JUREK

Ralph D. Sperli
RALPH D. SPERLI

Christopher F. Nardi
CHRISTOPHER F. NARDI

Frank K. Isaac
FRANK K. ISAAC
410 Leader Building
Cleveland, Ohio 44114
241-0520

Attorneys for Defendants

IN THE DISTRICT COURT OF THE
UNITED STATES
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Criminal Action No. CR 73-600

UNITED STATES OF AMERICA, PLAINTIFF

vs.

ALBERT KOTOCH, ET AL., DEFENDANTS

HEARING ON SUNDRY MOTIONS BEFORE HONORABLE ROBERT B. KRUPANSKY COMMENCING AT 10:00 A.M., MONDAY, JANUARY 14, 1974.

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[2] APPEARANCES:

On behalf of the Plaintiff:

Mr. Edwin J. Gale and
Mr. Fred Clervi,
Special United States Attorneys.

On behalf of Defendant Albert Kotoch:

Mr. Frank K. Isaac.

On behalf of Defendant Joseph A. Spaganlo:

Gold, Rotatori, Messerman & Hanna, by Mr. Robert J. Rotatori.

On behalf of Defendants Harvey Trifler and Ernest Chickeno:

Mr. Frederick K. Jurek.

On behalf of Defendants Joseph Slyman and James Neil Girard:

Mr. Ralph Sperli.

On behalf of Defendant George Frank Sidoris:

Mr. Elmer A. Giuliani.

On behalf of Defendants Louis Glassman and Sanford Glassman:

Mr. Joseph A. Dubyak.

On behalf of Defendant Dominic R. Buzzacco:

Mr. Carmen A. Policy.

On behalf of Defendants Jack Lorenzetti and Michael Malvasi:

Niki Z. Schwartz.

On behalf of Vanis Ray Robbins:

Mr. Robert W. Ent.

[3] On behalf of Defendant Thomas W. Donovan:

Mr. Christopher F. Nardi.

On behalf of Defendant James Blank:

Mr. Jerry Milano.

On behalf of Defendants Jacob Joseph Lauer and Joseph Francis Merlo:

Mr. Bradford Gearinger.

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* * * *

[97] RECROSS EXAMINATION OF
RICHARD L. AULT, JR.

BY MR. NARDI:

Q Mr. Ault, calling your attention to the interception on the 28th of November, which I believe was concluded on the 12th of December, you indicated that you had, on occasion, monitored incoming and outgoing calls from the 777 numbers; is that true?

A Yes, sir.

Q And you had occasion to investigate the logs and the documents drawn up by other people on your staff that had monitored those calls?

A That is right, sir.

Q During that period of time, were any new names acquired by you or your staff aside from those initially named in your first application?

A Yes, sir.

Q If you recall, could you name those people.

A Slyman and Girard. Let's see. George Sidoris. [98] I think—I believe Louis and Sanford Glassman, Vanis Ray Robbins, Thomas Donovan.

Now, you are talking about just the 777 phones or the—based upon what we learned—

Q 777.

A Well, Buzzacco, Dominic Buzzacco.

That would—and Jack Lorenzetti.

I believe that would be all.

Q Then you would say at the time of your application of December 26, these gentlemen were known to you?

A I would say that they were known by part of their name or all of their name.

Q Either code or by their actual identity?

A In some way, they had been identified.

Q They were known parties?

A Right. Right. I would say so.

* * * *

[120] (REDIRECT EXAMINATION OF
RICHARD L. AULT, JR.)

BY MR. GALE:

Q There are two affidavits in that exhibit; is that correct?

A Yes, sir.

Q And will you explain, please, to the Court the purpose of two affidavits—

THE COURT: I know what it is. It is a supplemental affidavit.

Proceed.

Q And the affidavit which you filed with Judge Contie incorporated the first affidavit; is that correct?

A That is correct.

Q And those affidavits are in support of an application for an order which was eventually given on December 26, 1972; is that correct?

A That is correct.

Q Now, did you, in gathering the information for those affidavits, include the known identities of all those, to the best of your knowledge, that would be overheard during the interception which you [121] hoped to obtain by reason of the order of December 26?

THE COURT: Read that question back to me, please.

(The last question was read by the reporter.)

A Yes, sir.

Q So you didn't leave out anybody that you knew or had reason to believe would be intercepted?

A No, sir, I don't believe I did.

Q Now, a few minutes ago I believe your testimony was that after the completion of the first electronic surveillance and pursuant to the order of November 28, 1972, you knew Mr. Sidoris would be overheard.

Was he named in your affidavit of December 26?

A I can't be sure unless I look.

(Pause.)

MR. ROTATORI: Judge, may I enter an objection? I believe the document speaks for itself, and Mr.—

MR. MILANO: I can't hear you.

MR. ROTATORI: I'm entering an [122] objection. The question is whether a name appears in the affidavit.

I believe the document speaks for itself.

THE COURT: That is right. Sustained.

Q Your testimony is, though, if you knew someone was likely to be intercepted pursuant to the order you hoped to get on December 26, his name would be in that affidavit?

A Yes, sir.

MR. ENT: Objection.

THE COURT: Sustained.

Q Would there be any reason why—

THE COURT: Sustain the objection to the question by Mr. Ent.

Q Now, you stated as a result of the first electronic surveillance commenced November 28, that by reason of that interception, Mr. Sidoris was identified. Do you recall that testimony?

A Yes, sir.

MR. GIULIANI: Objection.

THE COURT: Overruled.

Q Is that testimony correct?

[123] A I believe it was, yes, sir.

Q You have also testified that—

THE COURT: There is no need to be repetitious. I have that down here. He testified that as a result of the first interception, he included the names of various other people, including Slyman, Girard, Sidoris, the Glassmans, Donovan, Robbins, Buzzacco, and Lorenzetti.

I have that down here.

Ask some more questions.

MR. GALE: Yes, your Honor.

Q Why did you not name Mr. Sidoris, Mr. Girard, Mr. Louis Glassman, Mr. Donovan, Mr. Buzzacco, or Mr. Lorenzetti in your second affidavit dated December 26th?

A I asked if I could recall the names of the individuals that I had identified in the first, and with no supporting documents, I took a guess. This is—I mean, it was what I thought was accurate.

But if they are not in here, then I was not.

Q Excuse me?

A I say if they are not in here, if they are not named, then I was not, I was not accurate.

[124] In other words, we had possibly, during the course of the first interception, come across the individual and knew his voice, but had not yet fully identified him at that time. I mean at the time of the second application.

In that case, we would have left him out.

Q Is it a fair statement to say that if you knew the names of the people thought to be intercepted, their names appear in your affidavit?

A Yes.

MR. NARDI: Objection, your Honor.

THE COURT: Sustained. It is leading.

* * * *

[135] FURTHER RECROSS EXAMINATION
OF RICHARD L. AULT, JR.

BY MR. SPERLI:

Q Mr. Ault, you made application for a continuing electronic surveillance on December 26; is that correct?

A Yes, sir.

Q And practically everything that is contained in that affidavit were those items that you learned from the wire tap that was authorized on November 26; is that correct?

A Say that again. I'm sorry.

Q Practically everything that you recited in your supplemental affidavit on December 26 were items that you learned of during the electronic surveillance that was authorized on November 28th?

A Yes, sir.

Q When you applied for the authorization on December 26, at that time you knew of the identity of James Girard; is that correct?

A Yes, sir. I must have had some idea of—well, I can't say. I'm sure I must have had some idea that he was out there as No. 22. But whether I had identified him yet as James Girard, I don't know. I mean, I have nothing—this is quite an [136] extensive case, and I can't recall just out of hat whether or not I had or had not.

Q Well, it is a fair statement, is it not, that in your application of the 26th of December, in any reference you made by whatever fashion of either Mr. Girard or Mr. Slyman, the information that you used in applying for that application was information that you learned of because of the electronic surveillance from November 28; is that correct?

A I believe so, yes, sir. That is a fair statement.

MR. SPERLI: All right. I have nothing further.

THE COURT: Thank you, Mr. Sperli.

MR. NARDI: Nothing, your Honor.

THE COURT: Mr. Giuliani?

MR. GIULIANI: Yes, your Honor.

* * * *

[144] (FURTHER RECROSS EXAMINATION
OF RICHARD L. AULT, JR.)

* * * *

Q Now, getting to the other matter in terms of your having knowledge of certain individuals prior to the second application for a wire tap on December 26, 1972, I understand from search warrants and so forth that you checked with the Ohio Bell Telephone Company concerning certain telephone numbers; is that correct?

A Yes, sir.

Q When you checked with the Ohio Bell Telephone Company concerning certain telephone numbers, did you check into the long distance call journal as relating to those numbers?

A I don't know if it would be called a long distance call journal. I'm not sure—I'm not even [145] familiar with that term.

Q Maybe the term is improper. Let me just put it in sort of fundamental terms.

Did you check those numbers and see if any long distance calls were made to or from those numbers?

A Yes, sir. That would be part of obtaining the records normally in the course of the investigation.

Q Was this investigation done prior to any application to any Court for a wire tap?

A On several occasions during the course of this investigation, various phone numbers would come to our attention and we would request the long distance records, yes. I would request them.

Q Am I to understand, then, that your answer is yes?

A Yes.

Q All right. Did you retain a record of the long distance calls made to and from those particular numbers?

A We obtained, yes, records that were presented to us.

Q Correct.

A Right.

Q You retained a copy of that record?

A Yes.

[146] Q I assume you have that record as part of your file?

A I imagine so, yes, sir.

Q Prior to applying for any wire tap with any Court, could you tell me if there were any long distance calls to or from Niles, Ohio relating to any of the numbers you checked?

A Can you—you mean—I don't think I understand the question.

You mean in my investigations, did any of my records that I obtained from the phone company reflect phone calls from the number I was interested in to Niles, Ohio?

Q Yes, sir.

A Yes, sir.

Q Did you conduct further investigation into those numbers in Niles, Ohio?

A Yes, sir, I did.

Q Now, I'm relating myself strictly to that period of time prior to your applying for a wire tap. Do you understand what I'm saying?

A Yes, sir.

Q All right. Now, in the course of that investigation relating to the Niles, Ohio phone calls, did you come up with an address?

[147] A Yes, sir, I'm sure we did.

Q Did you conduct an investigation in terms of that address?

A We had several addresses, as I recall. I think initially, the phone numbers that we obtained in Niles belonged on a different—or were not only different numbers, but were listed to a different address than at the

time immediately prior to the time I got the application or submitted the affidavit to the strike force.

Q Well, I'm referring now to the Niles, Ohio address, and if you will bear with me just one second, I will find it here in a second.

(Pause.)

Q I believe it is on Park Avenue.

Are you familiar with the address?

A 15½ East Park.

Q Yes. That is exactly it.

A Yes.

Q Referring to that address, did you learn or were you directed to that address, 15½ Park Avenue, Niles, Ohio, as a result of checking out these long distance calls that I have referred to?

A Yes, sir, as I recall.

Q Was any surveillance conducted of that particular [148] address, 15½ Park Avenue, Niles, Ohio?

A Prior to the—gee, I couldn't say. I don't recall. I imagine there was, but offhand, I can't recall.

Q Well, you wouldn't have stopped your investigation short; am I correct, Mr. Ault?

A Oh, no, sir.

Q You would have carried through with your investigation; am I correct, Mr. Ault?

A I would have requested it.

Q And part of your normal carrying through procedure would have been a request on your part to continue a surveillance of that address?

A If it were feasible, yes.

As I understand it, it was related to me, in fact, that that was a rather hard address to surveil.

Q In what respect, sir?

A It was difficult for the agents in the Youngstown resident agency to remain in that area for any length of time without being identified as FBI agents and the word being passed up and down the street.

Q Some surveillance was conducted at that address, though; am I correct?

[149] A As I recall, yes, sir.

Q Was that surveillance conducted during the month of November, 1972?

A I don't believe so.

This is still prior to the application?

Q Forgetting about the application. Just address yourself to my question.

A In November, 1972, I couldn't say. I don't have any records to tell me.

I would doubt it, but I don't know.

Q Mr. Ault, I would assume that you, being in charge of this case, have the file on the case; is that correct?

A Yes, sir.

Q Does your file relate dates and times of surveillance?

A My file is some thousand pages. It reflects a number of facts. Among these is the information you would like.

Q Your answer is yes, then; is that correct?

A Right.

Q Would your file help you better in terms of testifying here on this motion for suppression?

A My files—certain items from my files probably would, yes.

[150] Q All right. You are not aware at this time as to the date of surveillance of that 15½ Park Avenue, Niles, Ohio; is that correct?

A I have no idea what dates, exact dates that place was surveilled.

Q As a result of that surveillance, you became aware or the FBI became aware of the existence of Mr. Dominic Buzzacco; is that correct?

A Yes, sir.

Q Were you aware of Mr. Buzzacco in terms of this case, the activity surrounding this case, prior to that surveillance?

A Pertaining to this case?

Q Yes.

A That is a difficult question to answer simply because I'm aware of a number of individuals and their activities long before any concrete case is brought to Court.

Q Let's put it this way. Did you feel or suspect that Dominic Buzzacco was somehow involved in all these transactions prior to applying for a wire tap?

A Gee, I don't think so. I certainly didn't, as I recall, say in my affidavit.

Q Well, I'm not asking you that. What I'm asking you [151] is what your suspicions were prior to applying.

A My suspicions?

Q Yes.

A Yes, sir.

Q And what were those suspicions based on?

A Things that were related to me by other agents of the FBI.

Q What things?

A Items of information as related to me that Dominic Buzzacco and Jack Lorenzetti had, in the past, operated a bookmaking operation.

Q Did they tell you where they operated a bookmaking operation?

A Yes, sir. I don't recall the address.

When I initially started conducting my investigation prior to that, it was different from 15½ East Park.

MR. POLICY: Your Honor, might I respectfully request the right to recall Special Agent Ault at a later time with his file for purposes of finding out more detailed information relating to the subject matter of which I'm examining now?

THE COURT: Yes. The Court will reserve a ruling on that, and if it [152] becomes necessary to recall, you will be permitted to recall him.

MR. POLICY: Thank you, your Honor.

* * * *

FURTHER RECROSS EXAMINATION OF
RICHARD L. AULT, JR.

BY MR. MILANO:

Q Now, we are talking about, Richard, about the search warrant itself.

You recall you signed the affidavit seeking the search warrant in this case; is that right?

A Yes, sir.

Q Now, in that—and I will refer you to Page 3.

A I don't have a copy of it here.

* * * *

[154] MR. MILANO: No, sir. This is the affidavit seeking a search warrant in all places that were ultimately searched.

I'm sure it is in your file, but it is not in evidence. If you like, I could have it marked. But I have all of my notes on it.

THE COURT: Well, Mr. Milano, I have 19 applications for search warrants. Which one are you referring to? Would you refer to it by the number.

MR. MILANO: United States of America versus Apartment 202, 5303 Northfield Road, Bedford Heights, Ohio, and further referred to as M 73-56.

THE COURT: Very well. I have it now.

BY MR. MILANO:

Q Now, showing you Page 3, start there in Paragraph 4, would you, please, and read that to the Court.

A "On November 28, 1972, I received a Court order from the United States District Court, Northern District of Ohio, Eastern Division, signed by United States District Judge Frank J. Battisti to [155] intercept wire communications of telephone numbers (216) 777-0850 and (216) 777-0851 located at Apartment 512, 25151 Brookpark Road, North Olmsted, Ohio, and telephone numbers (216) 452-1624 and (216) 453-6114, located at 204 Broad Avenue, Northwest, Canton, Ohio."

Q The November 28 Court order you are talking about, then, reverts back to the order that we are talking about in reference to the unsigned application for the wire taps, is that correct?

A Yes, sir.

Q Now read the next line. What does it say there?

A "The subjects of this interception were Albert Kotoch, Joseph Anthony Spaganlo, Ernest Chickeno, Ray

Vara, George Florea, Suzanne Veres, and others at that time unknown."

Q Doesn't that indicate to you that the only people you knew about prior to the 28th were those that are named right there?

A No, sir. It says "The subjects of this interception."

Q Yes. Go ahead.

A "And others at that time unknown."

Q "At that time unknown"? Isn't that what it says there?

[156] A Right.

* * * *

[256] THE COURT: Mr. Gearinger, you have filed two Motions to Suppress, one on behalf of Joseph Francis Merlo and one on behalf of Jacob Joseph Lauer, both of which are substantially the same in form and in content.

The Court will consolidate your motions.

Is there anything other than a legal argument that you are desirous of presenting in support of your motion, sir?

MR. GEARINGER: Your Honor, perhaps just a short stipulation, if it would meet with the pleasure of the U.S. attorney, to avoid having to call a witness [257] merely for a procedural aspect of my motion.

My proposed stipulation would be that the file of the U.S. attorney reveals an absence of any green return receipt of any attempted delivery of Notice of Inventory to either Mr. Merlo or Mr. Lauer.

I think the record clearly shows already, your Honor, that neither in the original application for Notice of Inventory, nor in the supplemental application, where two additional names were shown, do the names Merlo or Lauer appear.

So I think the only—

THE COURT: Well, Mr. Gearinger, the Court is perfectly amenable to accepting any stipulation which you and the Government are willing to enter into.

MR. GEARINGER: Thank you.

THE COURT: That is a problem between you and the Government, and certainly after we conclude the

hearing this evening, you may confer with the Government and draft a stipulation wihch you may present to the Court in the morning.

MR. GEARINGER: Your Honor, we [258] went over this at noon. I did with Mr. Gale.

THE COURT: Well, please draft your stipulation, and let's not encumber these proceedings with doing something that should have been done before we commenced today.

Now, is there anything further that you are desirous of presenting?

MR. GEARINGER: Nothing further, your Honor.

THE COURT: Thank you, Mr. Gearinger.

Mr. Gale, you will confer with Mr. Gearinger and draft the necessary stipulation and present it to the Court.

* * * *

[293] MR. POLICY: I respectfully move your Honor that any and all evidence obtained as a result of the wire or communications interceptions as it may relate to Mr. Buzzacco be suppressed for the additional reason that [294] he was not listed in any of the requests for the interceptions when the Government had knowledge of the fact that his conversations would be intercepted.

THE COURT: Very well. Your motion is noted.

* * * *

[303] MR. GALE: Your Honor, at this time, for the record, I would like to note that the Government did not receive, to the best of my knowledge, the motions filed by Mr. Gearinger on behalf of Defendants Merlo and Lauer with regard to [304] the designation issue and the inventory.

However, we believe that the responses that we have filed address those issues sufficiently.

THE COURT: Very well. Proceed with your case.

MR. GALE: We would be calling Mr. Steven Olah.

* * * *

[317] (DIRECT EXAMINATION OF STEVEN R. OLAH

Q I understand. Now, with respect to the service of inventories, how did you reach a conclusion to serve an inventory on a certain individual?

A Persons who were positively identified during the course of the electronic intercept were served with the inventory.

Q And how did you derive that type of information?

A This information was supplied to me by Special Agent Ault.

Q And approximately how many inventories were sent out?

A I really couldn't answer that.

If I was able to examine my inventory from the previous exhibit, I could tell you exactly.

Q Tell the Court when you served the inventory pursuant to the judge's order, how was that notification sent out?

A By registered, certified mail.

Q Out of your office?

A Out of my office, yes.

Q Now, did you receive any returns back with respect to the inventories you sent out?

A Yes.

Q And what type of notice did you get of their [318] receipt?

A A signed receipt by the person to whom the letter was sent.

MR. GALE: Your Honor, the Government would ask that this packet be marked Government Exhibit I.

(Government's Exhibit 1 was marked for the purpose of identification.)

Q I ask you to examine the contents of Government's Exhibit 1, and tell the Court what those green cards are.

A These are the receipts for the certified mail concerning the inventories—

MR. POLICY: If it please the Court. Your Honor, I think the exhibits will speak for themselves, and if anybody is not included amongst those cards, that can be brought up on cross-examination.

THE COURT: Very well.

Your motion is overruled, Mr. Policy.

Q Those cards are the cards you received back with [319] respect to the inventories you sent out yourself?

A That is correct.

* * * *

[339] CROSS-EXAMINATION OF
STEVEN R. OLAH

BY MR. GEARINGER:

Q Mr. Olah, I show you what has been marked for [340] identification as Government's Exhibit 1. I ask you to review that exhibit, if you would, and tell me if there is any return receipt showing notice of inventory to Mr. Lauer or Mr. Merlo.

A No, there is not.

Q To your knowledge, Mr. Olah, has either Mr. Lauer or Mr. Merlo ever been served with notice of inventory that either Mr. Merlo or Mr. Lauer's telephone conversations were intercepted?

A To the best of my knowledge, they have not.

Q And as I recall the portion of your direct testimony which refers to notice of inventory, it was to the effect that you served notice of inventory on persons who were identified as having their telephone conversations intercepted?

A Persons who, at the time the inventories were sent out, had been identified based upon information received by me.

Q Is it your understanding, Mr. Olah, that Mr. Merlo or Mr. Lauer's telephone conversations were not intercepted?

A I really do not know.

* * * *

[366] (DIRECT EXAMINATION OF
EDWIN J. GALE)

* * * *

Q I show you what is marked as Defendant's Exhibit L and ask you if you can identify that exhibit [367] and the contents therein.

A Yes, I can recognize the exhibit and the documents contained therein.

Q All right. Did you prepare those documents?

A Yes, I did.

Q Why?

A During the investigation of the instant case, it came to my attention that for some reason, which I later came to know, two of the potential defendants—

THE COURT: What is the question, please?

(The record was read by the reporter.)

THE COURT: You may proceed.

A It came to my attention that two of the potential defendants, or, in my mind, potential defendants, had not been served inventories pursuant to the statutory provisions of Title B. And therefore, so as to give them as much notice as we possibly could, we proceeded to draw up these documents and file them with Judge Battisti.

* * * *

[407] CROSS-EXAMINATION OF
EDWIN J. GALE

BY MR. JUREK:

Q With regard to Exhibit L—and I will be brief—you testified you noticed that you did not have the statutory inventories mailed to James Blank and Harvey Trifler and that you wanted them to get some notice? This was in September, I think, of 1973.

A I thought they should receive notice after examining the statute and the tenant statute.

Q And did you know of the name and address of Harvey Trifler prior to the time that you thought that he should get some notice?

A I don't know exactly when I learned that there was a Harvey Trifler.

Q How about James Blank?

[408] A I'm not sure when I learned the existence of a James Blank.

Q Well, d'd you realize that they had been arrested in January of 1973?

A No.

Q And in your application of the United States of America in Exhibit L, you contend that by administrative oversight, you neglected to notify Mr. Trifler and Mr. Blank.

Was that your administrative oversight, air?

THE COURT: Do you have any objection, counselor?

MR. CLERVI: Your Honor, just clarification.

I don't believe that the defendants were arrested at that time.

MR. JUREK: I'm sorry.

MR. CLERVI: Just for the record.

MR. JUREK: Or searched at that time.

My apologies.

Q Now, with regard to my question, in the court order, it alludes to administrative oversight. Was that your administrative oversight, Mr. Gale?

[409] A No. The administrative oversight referred to specifically in the order addresses problems existing before my arrival here in Cleveland, I believe.

Q At the date of filing of this order, you weren't in Cleveland, sir?

A When this amended order was filed, I was in Cleveland. I submitted it to the judge.

Q I see. And then you were the one that noticed that they hadn't been notified pursuant to Title 18, Section 2518?

A Oh, prior to this date, I discovered that they had been overlooked and no notice had been sent out.

MR. JUREK: Thank you. I have no further questions.

* * * *

[424] CROSS-EXAMINATION OF EDWIN J. GALE

BY MR. GEARINGER:

Q Mr. Gale, to your knowledge, did the Government ever send notice of inventory of conversations intercepted by electronics to Mr. Merlo or Mr. Lauer?

A To my knowledge, no formal inventory was received by those two individuals.

Q To your knowledge, was any informal inventory given to Mr. Lauer or Mr. Merlo say by regular [425] mail as opposed to certified mail?

A None by regular mail, no.

Q Is it not true, sir, that during the time of this case, you intend to introduce into evidence approximately 12 telephone conversations purportedly involving Mr. Merlo or Mr. Lauer that were intercepted pursuant to the court order?

A The number of conversations I could not recall at this particular time.

However, there are conversations which we would submit can be attributed to those two gentlemen.

Q And as I understand Mr. Olah's testimony yesterday, it is the Government's position that you were excused from the requirement of notice of inventory because Mr. Merlo and Mr. Lauer's identities were not known to the Government? Is that your position, sir?

A Well, there came a time that I knew of their identity, certainly.

Q And when was that, sir?

A I would imagine in late summer of 1973. Perhaps late August.

Q And was that when you initially became in charge of preparing this matter for trial or this file?

[426] A That is approximately the same time, yes, sir.

Q And who was in charge before you took charge?

A Mr. Olah was the attorney on the case.

Q Did new information arrive in your file after you took charge of this case that indicated to you that Mr.

Merlo and Mr. Lauer's telephone conversations had been intercepted?

A I don't believe that any new information came into my file.

Q In fact, is it not true, sir, that when you took over the file and reviewed the contents of the Government's file, you determined that based upon the contents of the Government file, Mr. Merlo and Mr. Lauer's conversations had been intercepted?

A At some point, I certainly reached that conclusion.

MR. GEARINGER: Would you mark this as Defendant Lauer and Merlo's Exhibit 1.

(Defendant Merlo and Lauer's Exhibit 5 was marked for the purpose of identification.)

THE COURT: Just a minute, gentlemen.

Perhaps this would be an opportune [427] time for us to take a 15-minute break. I understand the court reporter is running out of paper.

(Recess taken.)

THE COURT: Proceed, Mr. Gearinger.

BY MR. GEARINGER:

Q Mr. Gale, I show you what has been marked for identification as Defendant Lauer and Merlo Exhibit S and I ask you if you would identify it, sir.

A Yes. This is a letter that I sent to you, sir, on or about December 17, 1973.

THE COURT: What date?

THE WITNESS: December 17, sir.

Q And the letter is relatively short, Mr. Gale. Would you read the concluding paragraph of that covering letter.

A "In accordance with our telephone conversation on December 17, 1973, I do not guarantee that the transcripts are a verbatim representation of the intercepted conversation of your clients. Neither do these transcripts comprise all of the conversations involving your clients which were [428] intercepted. They do, however, comprise all monitored conversations by your clients

which have been reduced to transcript form at this time."

Q Mr. Gale, I ask you to examine the enclosure with that covering letter and ask if you can identify the enclosures.

A Well, in a general way, sir, these appear to be the enclosures which I included in my letter to you December 17, 1973 relating to copies of transcripts of conversations.

Q Would you accept my representation, Mr. Gale, that they are the enclosures that I received with that covering letter from you for the purposes of interrogation?

A Yes, sir. For the purpose of interrogation, certainly.

Q I ask you to review the enclosed transcript of what purportedly are intercepted telephone conversations involving Mr. Merlo and Mr. Lauer and determine whether or not there are, in fact, twelve separate telephone conversations that were intercepted and transcribed.

A I believe there are twelve here, sir.

Q Thank you. And on those transcribed intercepted [429] telephone conversations, is it not true, sir, that they were intercepted between December 9, 1972 and January 3, 1973?

A It is my belief that is correct.

Q And within those intercepted conversations, are there not one or more telephone conversations which were intercepted described as outgoing calls?

A The one that appears to be first says "Outgoing call."

Q And by that, is it your understanding that the telephone that was under electronic surveillance made the dial and placed the call to Mr. Merlo or Mr. Lauer?

A Yes, sir. It was a touch-tone outgoing call.

Q And if you recall Special Agent Ault's testimony yesterday, it was to the effect that on outgoing telephone conversations placed from a telephone which was under electronic surveillance, they could determine the number dialed? Do you recall that yesterday?

A His testimony was that it was possible to do that, yes, sir.

Q To your information, Mr. Gale, was the number dialed on those outgoing telephone conversations [430] traced?

A Well, sir, I think we could save some time if I responded in this manner.

Q Sure.

A With the judge's permission.

I can't answer whether or not there was a touch-tone decoding on the first conversation which says "Outgoing Call" dated 12/30/72.

However, it is within my knowledge that some telephone calls between Apartment 512, telephone numbers 777-0850, 0851 and 3850, were made to the telephone number or a telephone at an apartment at which your clients were located on January 13, 1973.

Q And that apartment was specifically 21 Olive Street, Akron, Ohio?

A It was at that address, yes, sir.

Q Pursuant to that information, was that the probable cause in requesting the search warrant on the premises at 21 Olive Street, Akron, Ohio, if you know?

A Sir, I would have to refer to the affidavit for the search warrant.

MR. GEARINGER: Is the affidavit in evidence?

[431] THE COURT: It is all a part of the Court record, yes. They have been filed. Returns have been filed with the Court.

MR. MILANO: I have one here.

THE COURT: We have it. Do you want to know which one it is?

Here it is.

MR. GEARINGER: Your Honor, would you want this marked for identification?

THE COURT: You can since you are going to use it.

(Defendant Merlo and Lauer Exhibit T was marked for the purpose of identification.)

Q Mr. Gale, showing you what has been marked for identification as Defendant's Exhibit T, which are the

affidavits filed requesting and showing probable cause for the initiation of search warrants, I direct your attention to that document, Mr. Gale, concerning what was presented as probable cause to the Court to authorize the search warrant at 21 Olive Street, Akron, Ohio.

A The probable cause section for the issuance of the search warrant in question appears to be contained [432] on Pages 41 and 42 of the affidavit sworn by Richard Ault on 12 January 1973.

Q And in that affidavit, it contains the telephone number of a telephone located at 21 Olive Street, Akron, Ohio, does it not, sir?

A Yes, it does.

Q And to your knowledge, did not agents of the FBI conduct a search of the premises at 21 Olive Street, Akron, Ohio on January 13, 1973?

A It is my belief that they did conduct such a search.

Q And is not that property presently in the possession that search, Messrs. Merlo and Lauer were present at the premises described?

A They were present, to my knowledge.

Q And to your knowledge, were they not identified on January 13, 1973 as Joseph Merlo and John Jacob Lauer?

A They were.

Q All right. During that search, was not property seized from that premises?

A I believe that is correct.

Q And is not that property preesntly in the possession of the Government?

A Yes, it is.

[433] Q And is it not true that you intend to introduce at least portions of that property seized in the trial of this matter?

A Yes, sir.

Q And is it not further true that the FBI, pursuant to their search and seizure of the premises at 21 Olive Street, Akron, Ohio on January 13, 1973, at which time Mr. Merlo and Mr. Lauer were present at said premises, filed an inventory of property seized with the Government?

A I believe an inventory was prepared by the seizing agents, if that is what you are referring to, sir.

Q Yes. Is that in the documents there that you have before you?

A Yes, sir. It appears to be a smooth inventory. It appears to be returned to Magistrate Maher on January 13.

And also a rough inventory numbering six pages apparently having the signature of Joseph Merlo there on Page 6 of 6, witnessed by apparently Special Agent William E. White, Jr. of the FBI.

Q So that on the inventory prepared by Mr. White of the FBI—dated what, sir?

[434] A The document which appears to be an inventory witnessed by Agent White bears the date January 13, 1973.

Q On January 13, 1973, therefore, is it not true that the names of Joseph Merlo and John Jacob Lauer were known by the Government?

A Well, again, you are asking me for a conclusion. They were certainly known by Agent White and Agent Herron, who made the search of that residence.

Q And as I understood the testimony, the FBI conducted these searches and seizures in accordance and coordination with the Strike Force?

A That is my understanding, yes, sir.

MR. GEARINGER: Would you mark that, please.

(Defendant Merlo and Lauer Exhibit U was marked for the purpose of identification.)

Q Mr. Gale, showing you what has been marked for identification as Defendant Lauer and Merlo Exhibit U, I ask if you can identify it.

MR. GEARINGER: For the record, your Honor, may the record show that at the lower right-hand corner of Defendant's [435] Exhibit U there is blue pen. That is mine made at a subsequent date merely as a note of a telephone conversation. I didn't have any other paper in front of me.

So I would ask the Court and the witness if they would just disregard the blue pen marking at the lower right-hand side.

A This either is the letter I sent to you on or about December 28, 1973, which has a 3-page enclosure, or an exact duplicate of the letter. I'm not sure.

Q Was that letter, to your knowledge, mailed pursuant to various motions for discovery; in particular, requests for any statements or admissions by any individual defendant in the position of the Government?

A That is correct. It was with respect to discovery orders.

Q And I ask you to review the enclosures to Defendant's Exhibit U and ask if you can identify them.

A Well, to the best of my knowledge, these appear to be the enclosures that I submitted in my letter [436] to you concerning your clients, Mr. Lauer and Mr. Merlo, and statements they made to FBI agents apparently on January 13, 1973.

Q And in reference to the enclosures concerning statements made by Mr. Lauer to the FBI agents on January 13, 1973, what, if any, admissions did Mr. Lauer purportedly make concerning the use of the telephone at 21 Olive Street, Akron, Ohio?

A I shall quote from an enclosure of the letter dated December 28 from me referring to an FBI 302 form dated 1/17/73.

"Lauer stated that he had answered the telephones that were located in Apartment 308, 21 Olive Street, and received money for his services."

Q What about Merlo?

A Specifically, I will quote from a copy of a document which I enclosed in my letter to you December 28. It is the third page of the enclosure, and it is dated January 17, 1973.

I quote, "Merlo advised that he had rented Apartment 308, 21 Olive Street, in the name of Joseph Cartelli. He stated he was operating the business at Apartment 308 and he [437] employed Jack Lauer as a phone man."

Q So Merlo, by identity, and Lauer, by identity, in conversations with FBI agents who were acting under the overall supervision, I assume, of the Strike Force, made admissions concerning the use of the telephone or telephones at the apartment where the search took place?

A That is correct. We would submit that they did.

Q And pursuant to FBI and governmental procedure, the FBI prepared a report of those interviews, did they not, sir?

A Correct.

Q And those reports were submitted to the Government's file and records in anticipation of using same in the trial of this matter in due course after the preparation, were they not?

A Correct.

Q So that by on or about January 18, 1973, you had the tapes of at least twelve telephone conversations intended to be used by the Government purportedly by and between Lauer and Merlo and one of the other defendants, you had a search of the premises having located same by identifying the telephone number by an outgoing call, you had seized property as identified in the above [438] inventory, the FBI had identified Mr. Merlo and Mr. Lauer as having been present at the premises when the search took place, and by the 17th of January, the FBI had submitted a report concerning admissions by the known Defendants Merlo and Lauer concerning this case; is that not true, sir?

A Much of what you say is not true, sir.

But for the purposes of your question, I can perhaps respond, if the Court would allow.

Q Sure.

A Not specifically addressing to whether it is true or not—

MR. GEARINGER: Excuse me, your Honor. I didn't mean to presume that I was the Court.

THE COURT: No objection.

A All of the information contained in the various reports and statements you had just referred to in your statement I would agree more likely than not were known to some element of the Federal Government.

Q Involved—

A Not by me.

Q Involved in the investigation and hopefully successful prosecution of this case; is that not [439] true, sir?

A As I have just stated, someone within the Federal Government had access to those facts you have represented.

Q In particular, the FBI?

A Some element of the FBI. That is correct.

Q And that element of the FBI was involved in investigating what ultimately resulted in the indictments and the potential trial of these defendants; is that not true?

A That is correct.

Q And they were operating under the supervision or auspices of the governmental Strike Force; is that not true, sir?

A To a degree, that is certainly true.

Q So that maybe while you personally did not have possession of these documents, they were certainly in the possession of the appropriate representatives of the Government by January 18, 1973, were they not, sir?

A I believe the information contained within the documents was known by the Federal Government by that date.

Q And in spite of all the knowledge that I have just reviewed by January 18, 1973, did any representa- [440] tive of the Government send notice of inventory through today concerning intercepted telephone conversations of Mr. Merlo or Mr. Lauer?

A As I have previously testified, to my knowledge, no formal notice has been given to your clients.

MR. GEARINGER: No further questions, your Honor.

* * * *

THE COURT: Certainly. Mr. Gearinger, while we are waiting, as I recollect, was it not you that had discussed a stipulation with the United States attorney last night?

MR. GEARINGER: Yes, your Honor.

We never agreed on a stipulation. I chose, when I determined that Mr. Gale would testify this morning, to introduce my evidence through cross-examination of Mr. Gale.

[DEFENSE EXHIBIT "T" AT SUPPRESSION HEARING]

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Magistrate's Docket No. .....

Case No. .....

UNITED STATES OF AMERICA

vs.

APARTMENT 308, 21 OLIVE STREET, AKRON, OHIO

AFFIDAVIT FOR SEARCH WARRANT

BEFORE HERBERT T. MAHER, Cleveland, Ohio

The undersigned being duly sworn deposes and says:

That he has reason to believe that on the premises known as Apartment 308, 21 Olive Street, Akron, Ohio, which is further described as: a three-story red brick apartment complex containing approximately 23 apartments and located on the north side of Olive Street. Apartment 308 occupies the southwest corner on the third floor of this complex, in the Northern District of Ohio there is now being concealed certain property, namely: bookmaking records and wagering paraphernalia consisting of, but not limited to, betting, slips, cash, bet notices and books of account which are held and used in violation of Title 18, USC, Section 1955 and 371.

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[1] The Federal Rules of Criminal Procedure provides: "The warrant shall direct that it be served in the daytime, but if the affidavits are positive that the property is on the person or in the place to be searched, the warrant may direct that it be served as any time." (Rule 41C)

And that the facts tending to establish the foregoing grounds for issuance of a Search Warrant are as follows:

(See attached affidavit.)

/s/ Richard L. Ault, Jr.
Signature of Affiant
S.A., FBI

Official Title, if any

Sworn to before me, and subscribed in my presence, June 12, 1973.

/s/ Herbert T. Maher
United States Magistrate

AFFIDAVIT

1. Affiant is employed as a Special Agent of the Federal Bureau of Investigation and has continuously held that position for the past three years. Affiant has been assigned to the investigation of gambling matters within the jurisdiction of the Northern District of Ohio, since February, 1972, and has had supervision of the gambling activity of ALBERT KOTOCH, JOSEPH SPAGANLO and others since September, 1972. In accordance with this assignment, affiant has received reports of investigation conducted by other Special Agents of the Federal Bureau of Investigation, and has had this information available to affiant for affiant's direction and supervision in this investigation. Included in this information have been the results of physical surveillances, information from telephone company records, and information from confidential informants who have provided reliable information on numerous occasions in the past and which information has been corroborated by subsequent investigation of Special Agents of the Federal Bureau of Investigation. Affiant adopts and incorporates the information contained herein as his affidavit. Affiant has read this affidavit and is satisfied that the information contained herein is reliable.

2. Based on the information contained herein, affiant has reason to believe and does believe that ALBERT KOTOCH, JOSEPH SPAGANLO, HARVEY TRIFLER, SANFORD GLASSMAN, LOUIS GLASSMAN, GEORGE SIDORIS, JOSEPH LYMAN, JAMES GIRARD, JAMES BLANK, VANIS RAY ROBBINS, THOMAS DONOVAN, DOMINIC BUZZACCO, JACK LORENZETTI, CHARLES MOORE, and others as yet unknown, have been and are now committing and will continue to commit offenses against the United States, that is to say: conducting, financing, managing, supervising, directing or owning all or part of an illegal gambling business which has been or remains in substantially continuous operation for a period in excess of thirty days or has a gross revenue of $2,000.00 in any single day in violation of Title 18, United States Code, Section 1955, and a

conspiracy to violate the above in violation of Title 18, United States Code, Section 371, the laws of the State of Ohio, specifically Ohio Revised Code, Title 29, Chapter 2915, Sections 2915.01, 2915.06, 2915.09, 2915.14 (permitting a room to be used for gambling; playing a game or making a bet for money; recording wager; common gambler).

3. From my three years experience in the Federal Bureau of Investigation, including two years experience in investigation of gambling violations, and from consultation with other Special Agents of the Federal Bureau of Investigation, I know that a bookmaking business of any size requires a bookmaker to balance his books. That is, at the end of betting on a certain event, the bookmaker hopes to achieve an ideal situation of having the total amount he must pay out the same regardless of who wins. In this way the bookmaker cannot be a loser no matter what the outcome of the sport contest, for he keeps a small premium on each bet placed with him. The bookmaker then operates on a profit margin. He does not gamble on the outcome of any given event.

In order for a bookmaker to balance his books, it is almost always necessary for him to have another bookmaker with whom he can place the bets which have unbalanced his books. This second bookmaker is known as a "lay-off" bookmaker, and the above mentioned process is known as "laying off." Bookmakers will "lay off" to other bookmakers and in turn have other bookmakers "lay off" to them.

A bookmaker must also receive and furnish "line" information. This is necessary to stimulate the betting activity and to enable him to operate his business with the greatest chance of profit.

• • • •

DOMINIC BUZZACCO

JACK LORENZETTI

Interception of wire communications of the above mentioned telephones utilized by AL KOTOCH, as well as surveillances by Special Agents of the FBI, and other

investigation set forth herein, reveal that DOMINIC BUZZACCO, also referred to by AL KOTOCH as "BUZZ", and "BUZZER", is a bookmaker who accepts "lay-off" bets from AL KOTOCH.

As set forth in paragraph six above, telephone number 652-1524 is listed to T. K. PETERS, 15½ East Park Street, Niles, Ohio. Surveillances conducted by Special Agents of the FBI have shown that there is no T. K. PETERS at the above address inasmuch as no car registered to T. K. PETERS has ever appeared in the vicinity of this address, nor has investigation by Special Agents of the FBI ever revealed a T. K. PETERS who lives in this area. Further, physical surveillances by Special Agents of the FBI reveal that the automobile described further below belonging to and normally operated by DOMINIC BUZZACCO, who is known from previous investigation by Special Agents of the FBI, as a bookmaker, was observed parked in the immediate vicinity of 15½ East Park, Niles, Ohio, during the times that KOTOCH has been in contact with the above telephone number in Niles, Ohio.

a. At 5:44 p.m. on December 29, 1972, AL KOTOCH made an outgoing telephone call from telephone number 777-3850 to telephone number 652-1524. KOTOCH called the male who answered the call "BUZZ" and asked him to "run down some numbers", inasmuch as KOTOCH had a discrepancy.

A surveillance conducted by Special Agents of the FBI on December 29, 1972, at 5:10 p.m. revealed a dark green 1971 Buick, bearing 1971 Ohio license G784J, was parked in the vicinity of 15½ East Park, Niles, Ohio. A review of LEADS indicates that G784J is listed to DOMINIC BUZZACCO, 838 Moraine Drive, Youngstown, Ohio, on a 1971 Buick four-door hardtop.

b. On January 1, 1973, AL KOTOCH placed an outgoing telephone call at 2:54 p.m. to telephone number 652-1542 from telephone number 777-3850. KOTOCH and an individual he called "BUZZER," discussed a "bottom figure" of 7645.

c. At 6:11 p.m. on December 28, 1972, AL KOTOCH placed an outgoing telephone call from telephone number

777-3850 to telephone number 652-1542 and made three "lay-off" bets totaling $900.00 to the individual who answered.

d. On January 4, 1973, a physical surveillance was conducted by Special Agents of the FBI in the vicinity of 15½ East Park, Niles, Ohio. During the course of this surveillance, DOMINIC BUZZACCO and JACK LORENZETTI were observed to enter 15½ East Park.

e. During the period from December 26, 1972, through January 4, 1973, AL KOTOCH would place numerous outgoing telephone calls to telephone number 652-1542 and would, on occasion, refer to the male who answered as "JACK." The ensuing conversations with "JACK" concerned gambling activities.

f. JACK LORENZETTI entered a plea of guilty in U.S. District Court, Cleveland, Ohio, on July 25, 1971, to one count of violation of Title 18, Section 371, U.S. Code. LORENZETTI received a $1,000 fine.

Based upon the facts set forth herein, affiant has reason to believe and does believe that on the premises further described herein, and on the persons of DOMINIC BUZZACCO and JACK LORENZETTI, there is located bookmaking records and wagering paraphernalia consisting of, but not limited to, betting slips, cash, bet notices, and books of account held and used in violation of Title 18, U.S. Code, Section 1955 and 371. The premises located at 15½ East Park, Niles, Ohio, is further described as a two-story red brick building located on the south side of Park Street. The building houses an empty store on the downstairs level which has a large plate-glass window in front facing Park and an entry door to 15½ which leads to the second level, which is 15½ East Park and which is where the telephone is located. This second story is accessible only by the stairway from the entry way which is located on the east side of the building facing the building.

* * * *

VANIS RAY ROBBINS

16. Interception of wire communications of the above-mentioned telephones, as well as surveillances by Special

Agents of the FBI, and other investigation set forth herein, reveals that VANIS RAY ROBBINS, is a bookmaker who "lays off" to and receives "lay-off" bets from AL KOTOCH.

Pretext telephone calls to telephone number (513) 242-6664 by Special Agents of the FBI, Cincinnati, Ohio, Office on December 27, 28, 29, 30, 1972, and January 1, 1973, placed ROBBINS at that address during the hours that KOTOCH was operating his bookmaking office, which was from approximately 5:00 p.m., to 7:30 p.m., during the week and from 11:00 a.m., to 7:30 p.m., on the weekend, and on January 1, 1973.

a. On January 3, 1973, at 7:36 p.m., an individual previously identified as HARVEY TRIFLER placed an outgoing call on telephone number 777-0851 to an individual identified by affiant as AL KOTOCH at telephone number 221-5092. TRIFLER then asked KOTOCH for "82's" telephone number. KOTOCH gave the following telephone number: 1-513-242-6664. TRIFLER then placed an outgoing telephone call to the above telephone number and talked to "82." During the course of the conversation, "82" and TRIFLER could not agree upon their "bottom" figure, that is, the amount which one owes the other. "82" then asked TRIFLER which teams KOTOCH had bet into him, "82." The two parties then discussed at length their bets with one another. TRIFLER then called KOTOCH again at 7:45 p.m., from telephone number 777-3850 at telephone number 221-5092, and KOTOCH tells TRIFLER to look for "82's" figures on KOTOCH's "beard sheet," that is, a sheet containing names or code names of individuals who act as agents for the bookmaker.

Telephone number (513) 242-6664 is listed to CECIL B. RIDGEWAY, Apartment 26, Turf Hotel, 322 Locust Street, Elmwood Place, Ohio, and telephone number (513) 242-9918 is listed to Locust Poolroom, 320 Locust Street, Elmwood Place, Ohio. Investigation by Special Agents of the FBI reveals that VANIS RAY ROBBINS is currently under indictment in Cincinnati, Ohio, by United States Federal Grand Jury for violation of Federal Gambling laws; Title 18, U. S. Code, Sections 1084,

1952, and 371. This case is currently pending in the U. S. District Court for the Southern District of Ohio.

b. On December 2, 1972, at 3:45 p.m., AL KOTOCH received an incoming telephone call on telephone number 777-0850, from an individual identified by KOTOCH as "99". The following conversation ensued:

Incoming call
3:45 pm
12/2/72
777-0850
Reel 6

99	What about my . . . This horse guy . . .
AL	I think he's having problems with his guy.
99	Huh
AL	I think he's having problems with his guy . . . he isn't gettin' him.
99	What about the guy I can maybe move into . . .
AL	(Hesitates)
99	Remember, I asked to . . . I gotta have an out.
AL	How much out do you need?
99	Well . . .
AL	Why do you need an out. Are ya gettin' hit with plenty of . . .
99	I do a lot of business. I don't (obscene) around. You don't think we sit here for nothing do you?
AL	Hold on. (In background, "Hello")
99	It's as simple as that and I get a lot of stuff but I do not book heavy on horses. I book maybe half, to a buck . . .
AL	Well, what kinda out do you need, you see, I don't want to give ya my out down there if ya are gonna spoil it for me.
99	You mean for pieces?
AL	Yeah.
99	I might get some pieces like I give ya.
AL	No, if I get my steamers and you might get them before me and . . .
99	How can I get them before you?

AL Who the (obscene) knows
99 Not from that . . . We never did before.
AL (mumbles)
99 Just tell the guy . . .
AL Hold on.
99 The guy's gonna make money. I'll tell ya right now. Here's the thing . . .
AL I'm calling the guy right now, relax . . . (Background on phone not monitored, "hello, RAY . . . I gotta horse man, B.M., needs a horse out . . . I don't know . . .")
Is it legit stuff, 99?
99 Yeah, he can call it what he wants but we beat it every week.
AL (on other phone, "he says he beats it every week. The only thing . . .")
What kinda figures you want to give . . . What kind of horses you want to lay into, amounts . . . amounts . . .
99 Bucks, deuces, maybe more, maybe less
AL (To RAY on other phone, "All right, now you should come in as "99" . ... let him come in as "99" . . . I'll give him your phone number, O.K. Right . . .")
Now I'll tell you right now if you ruin my out I'll . . .
99 I won't
AL Wait a second let me finish! I want you to know what front if you ruin my out . . . This is my big out . . . you understand, this for my steamers, because you take bucks, this guy takes three's and four's off a me . . . if you ruin it for me I'm gonna tell him to cut ya off.
99 All right!
AL Is that fair enough?
99 Sure.
AL All right hold on. All right"
99 Yeah
AL Now this guy's down in Cincinnati
99 Yeah . . .

AL You go in as "99" . . .
99 All right
AL 1-513/242-6664
99 What's his hours?
AL You can call him right now, the other number is 9918.
99 Same exchange?
AL Yeah.
99 242?
AL Yeah
99 OK, I make my own arrangements.
AL Yeah
99 OK I'll call right now. Bye.

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c. During the course of interception of the telephone utilized by AL KOTOCH, VANIS ROBBINS has called to KOTOCH on an almost daily basis and placed large wagers with KOTOCH. When the caller would identify himself, it would be by the number "82'.

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THOMAS DONOVAN

17. Interception of wire communications of the above mentioned telephones of AL KOTOCH, as well as physical surveillances by Special Agents of the Cincinnati Division of the FBI, and other investigation as set forth herein reveal that THOMAS DONOVAN is a bookmaker who lays off to AL KOTOCH.

Physical surveillances of DONOVAN's residence, 4669 Hilton, by Special Agents of the Cincinnati Division of the FBI on December 27, 1972, placed DONOVAN in his apartment, 4669 Hilton Avenue, Apartment D, Columbus, Ohio, between 5:20 p.m., and 8:00 p.m.; on December 28, 1972, between 5:00 p.m., and 8:00 p.m.; and on December 29, 1972, between 11:00 a.m., and 4:00 p.m.

a. During the course of interception of communications of KOTOCH's telephones, an individual who at times identifies himself as "CAL" calls KOTOCH on an almost daily basis, receives the line information, then calls

back with large wagers. "CAL" has a distinctive voice which affiant had identified during the course of monitoring on several occasions, when "CAL" did not identify himself.

b. On December 8, 1972, AL KOTOCH, received an incoming telephone call on telephone number 777-0850 at 5:19 p.m. from an individual who identified himself as "CAL," and who affiant identified by his voice as identical to the "CAL" who called KOTOCH on a daily basis. During the course of the conversation, "CAL" advised that he had lost "eighty eight dollars" the previous day. "CAL" then places a large amount in bets with KOTOCH. KOTOCH then asked "CAL" if he, KOTOCH, could mail him a cashier's check to pay part of the amount KOTOCH owed "CAL." "CAL" agreed and gave his name as THOMAS DONOVAN and his address as 4669 Hilton Avenue, Apartment D, Columbus, Ohio, Zip Code 43228.

c. On December 12, 1972, at 6:04 p.m. HARVEY TRIFLER answered an incoming telephone call on telephone number 777-0850 and the individual who was calling identified himself as "CAL," and who affiant identified by his voice as THOMAS DONOVAN. DONOVAN was placed on "hold" by TRIFLER and while on hold, DONOVAN was heard discussing "line" information with an individual in the background, or on another telephone, he called "LOUIE." During this discussion in the background, DONOVAN was heard accepting a bet from another individual in the background, or on another telephone.

d. During the hours in which Special Agents of the Cincinnati Division of the FBI were conducting a physical surveillance on DONOVAN's residence, from December 26, 1972, through January 1, 1973, an individual who identified himself as "CAL" called KOTOCH for "line" information.

e. Physical surveillances set forth above also show that DONOVAN utilizes his automobile, a 1972 Buick four-door sedan with Ohio license H5567, to leave his apartment during the day and that DONOVAN apparently conducts his business, during the time he is not placed in his apartment, from his automobile.

f. Source Four has been a reliable source of the Cincinatti Division of the FBI in excess of two years and has provided information on at least three occasions in the past which has led to the arrest of fourteen bookmakers at Columbus, Ohio. Source Four is aware of the activities of THOMAS DONOVAN through personal acquaintance with DONOVAN and through conversations with bookmakers who deal with DONOVAN. Source Four advised a Special Agent of the FBI, who in turn related to affiant, that as recently as the week ending January 7, 1973, Source Four has personally observed DONOVAN utilizing his automobile during the course of his bookmaking operation to pick up and pay off wagers.

* * * *

Apartment 308
21 Olive Street,
Akron, Ohio

Interception of wire communications of the above mentioned telephones of AL KOTOCH, as well as physical surveillances by Special Agents of the Federal Bureau of Investigation and other investigation as set forth herein, reveals that one or more unknown individuals located at Apartment 308, 21 Olive Street, Akron, Ohio, are bookmakers who accept and place "lay off" wagers with AL KOTOCH.

a. On January 1, 1973, AL KOTOCH placed an outgoing telephone call from telephone number 777-3850 to telephone number 1-535-2133. KOTCH "layed off" a bet with the male who answered for $500.00 and the individual to whom KOTOCH was speaking in turn "layed off" a bet to KOTOCH for $500.00.

b. During the course of monitoring KOTOCH's telephones from December 26, 1972, to January 4, 1973, KOTOCH has placed numerous telephone calls to telephone number 535-2133 and has received line information from the individual who answers or has accepted or "layed off" wagers to the individual who answered the telephone.

c. Records of the Ohio Bell Telephone Company, Akron, Ohio, were reviewed by Special Agents of the Fed-

eral Bureau of Investigation in December, 1972, and again on January 10, 1973, and reflect that telephone number 535-2133 is listed to JOSEPH CARTELLI at Apartment 308, Olive Street, Akron, Ohio. Investigations by Special Agents of the Federal Bureau of Investigation, such as credit check and check of the records of the local police departments, as well as a review of Law Enforcement Automated Data Systems (LEADS), indicates that the name JOSEPH CARTELLI at that address is fictitious.

d. Physical surveillances were conducted by Special Agents of the Federal Bureau of Investigation at 21 Olive Street on January 3, 1973, and January 4, 1973, and it was determined that Apartment 308 appears to be occupied only from about 11:30 a.m. to around 7:00 p.m. during each day. Special Agents of the FBI determined that once the light was extinguished in Apartment 308 that no one appeared to occupy the apartment. This determination was made by utilizing a pretext telephone call to telephone number 535-2133.

Based upon the facts set forth above, affiant now has reason to believe and does believe that on the premises more fully described hereafter, there is located bookmaking records and wagering paraphernalia consisting of, but not limited to, betting slips, cash, bet notices, and books of account, held in violation of Title 18, United States Code, Sections 1955 and 371. The premises located at 21 Olive Street is described as a three-story red brick apartment complex containing approximately 23 apartments and located on the north side of Olive Street. Apartment 308 occupies the southwest corner on the third floor of this complex.

Further, affiant sayeth not—

/s/ Richard L. Ault, Jr.
RICHARD L. AULT, JR.
Special Agent
Federal Bureau of Investigation

Subject is sworn to before me this 12th day of Jan., 1973

/s/ Herbert T. Maher
U.S. Magistrate

SUPREME COURT OF THE UNITED STATES

No. 75-212

UNITED STATES, PETITIONER

v.

THOMAS W. DONOVAN, ET AL.

ORDER ALLOWING CERTIORARI. Filed February 23, 1976

The petition herein for a writ of certiorari to the United States Court of Appeals for the Sixth Circuit is granted.

☆ U. S. GOVERNMENT PRINTING OFFICE: 1976 203719 231